



## EMPLOYMENT TRIBUNALS

**Claimant:** Mr W Wojciechowski

**Respondent:** R & E Kitchen Care Limited (08162533)

**Heard at:** Southampton                      **On:** 8/2/2019

**Before:** Employment Judge Wright

**Representation:**

**Claimant:** Did not attend/no representation

**Respondent:** Did not attend/no representation

## JUDGMENT

1. No response having been presented by the respondent, a default judgment is granted in favour of the claimant under Rule 21 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013.
2. The claimant has quantified some of his claims. He claims:
3. He was incorrectly paid an hourly rate of pay of £17 ph, rather than the £18 ph which he says was agreed. For the period 1/4/2018 to 23/7/2018 he claims the sum of £335.50.
4. Payment for shifts worked from 25/5/2018 to 18/7/2018 of £2,652, less the sum of £587.16 received (without explanation) on 8/8/2018, therefore the sum of £2064.84.
5. He says he never received a contract of employment and he claims notice pay. Under s. 86 (1)(a) of the Employment Rights Act 1996, the minimum

period of notice to be given by an employer to terminate a contract of employment to an employee who has been continuously employed for one month or more is a week's notice if his period of continuous employment is less than two years. The claimant has said that he is not able to present a weekly wage figure as he was paid monthly. Dealing with the claim in accordance with the overriding objective, the Tribunal attempted to calculate a week's pay. Without input or explanation from the claimant, it was unable to do so. No monetary award was therefore made in respect of this element of the claimant's claim.

6. The claimant also claims holiday pay. He says he was informed he would be paid for 24 hours, which equates to £408.00.
7. The claimant is therefore awarded the total gross sum of £2,808.34. The claimant is to account to HMRC in respect of any deductions which fall to be accounted for.

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Employment Judge Wright

Date: 13<sup>th</sup> February 2019