



THE EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Respondent

Mr S Young

AND

B-Eco Smart Ltd.

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Held at: North Shields Hearing Centre

On: Friday 2 March 2018

Before: Employment Judge Johnson (sitting alone)

Appearances

For the Claimant: In Person

For the Respondent: No attendance and no appearance

JUDGMENT

- 1) The claimants complaint of unauthorised deduction from wages is well-founded and succeeds. The respondent is order to pay to the claimant the sum of £855, being wages unlawfully deducted. That sum is to be paid gross and the claimant shall be responsible for the payment of any income tax and national insurance contributions thereon.

REASONS

- 1) By claim form presented on the 3 January 2018, the claimant brought a complaint of unauthorised deduction from his wages. The claimant named the respondent at B-Eco Smart and gave an address at Unit 4 B, Admiral Point, Spectrum Business Park, Seaham, County Durham, SR7 7PP. The claim form was served upon the respondent at that address on 12 January 2018. The accompanying notice stated that the response form must be received by 1 February 2018 and that the claim was listed for Hearing on Friday 2 March 2018 at 9.45 am.

- 2) The respondent failed to present their response by the due date of 1 February 2018. As at today's date, no response or correspondence has been received from the respondent.
- 3) Pursuant to enquires made by the Employment Tribunal, the claimant accepts that he was in fact employed by B-Eco Smart Limited whose registered office according to Companies House is 9 Edale Close, Washington, NE38 8FH. The company's registered number is 10079145.
- 4) I order that the title to these proceedings be amended to show the correct name of the respondent at B-Eco Smart Limited. I am satisfied that the claim form, response form and notice of hearing were all received by the respondent at its address in Seaham. Mr Young today confirmed to me under oath that he attended at the Seaham address to obtain instructions from the respondent. Mr Young confirmed that the respondent employed between 15 and 30 people working at that address. Mr Young was given a company vehicle and had to return the vehicle to that address. I am satisfied that the Seaham address was the claimant's place of work and also the place where all of the respondent's administration was handled.
- 5) Mr Young attended in person today and gave evidence under oath. Mr Young confirmed that his employment with the respondent began on 24 October 2017 and ended on 7 November 2017. Although he was never given a written statement of his terms and conditions of employment, Mr Young informed me today that he was required to work 9 hours per day at the national minimum wage of £7.50 per hour. Mr Young confirmed that he was contractually entitled to be paid a commission on every sale he made at the rate of £3.00 per sale. Mr Young confirmed that when he was required to work away from home, the respondent would pay for his accommodation and would also give him a meal allowance of £15.00 per night.
- 6) Mr Young worked for 10 days, for 9 hours each day at a rate of £7.50 per hour. That amounts to £675.00 in wages. That sum has not been paid and I order the respondent to pay it. Mr Young confirmed that he completed 3 sales and is therefore entitled to be paid £30.00 for each sale, totalling £90.00. That sum has not been paid and I order the respondent to pay it. Mr Young confirmed that he stayed away from home for 6 nights and did not receive the allowance of £15.00 per night, which totals £90.00. I order the respondent to pay that amount.
- 7) The respondent is ordered to pay to the claimant the total sum of £855.00. I order that sum to be paid to the claimant gross, so that the claimant shall be responsible for the payment of any income tax and national insurance contributions thereon.

EMPLOYMENT JUDGE JOHNSON

JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON
6 March 2018.