



# EMPLOYMENT TRIBUNALS

## Claimant

## Respondents

Mr M de Sousa

v

Veolia ES (UK) Limited

**Heard at:** Watford

**On:** 15 February 2019

**Before:** Employment Judge Hyams, sitting alone

## Appearances:

**For the Claimant:** In person

**For the Respondent:** Mr D Wynn, Representative

## JUDGMENT

- 1 Any aspect of the claims which relates to the period before 30 March 2016 is outside the tribunal's jurisdiction and is dismissed accordingly. Thus the claim for night shift pay (as quantified as head E of the claim, on page 34 of the hearing bundle) is dismissed as it is for sums said to be payable in respect of dates in 2013 and 2014.
- 2 The claim for additional weekend pay (as quantified as head B of the claim, on page 30 of the hearing bundle) is a claim for damages for breach of contract only and is therefore (in the circumstance that the claimant's employment with the respondent is continuing) outside the jurisdiction of the tribunal. That claim is dismissed accordingly.
- 3 The claim for sick pay (as quantified as head C of the claim, on page 31 of the hearing bundle) is for discretionary sick pay and is outside the jurisdiction of the tribunal. That claim is dismissed accordingly.

- 4 By consent, the respondent will pay half of the sums claimed as unpaid wages in the form of under-payments, quantified as heads A and D of the claim on pages 29 and 32-33 of the hearing bundle respectively (i.e. a total of £538.00). Thus, those claims are finally determined on the basis that the claimant is entitled to payment by the respondent to him of the sum of £269.00.

---

Employment Judge Hyams

Date: 15 February 2019

JUDGMENT SENT TO THE PARTIES ON

...26.02.19.....

.....  
FOR THE TRIBUNAL OFFICE