



EMPLOYMENT TRIBUNALS

Claimant: Mr. Ashane Wijesuriya

Respondents: 1. Print Installation Limited
2. Mr. Blaine Bannister

Heard at: East London Hearing Centre (by CVP)

On: 19 January 2024 and 10 September 2024

Before: Employment Judge Misra K.C.

Representation

Claimant: Mr. Doug Frame (solicitor)

Respondents: Mr. Daryl Bannister (director of First Respondent)
Second Respondent in person

JUDGMENT

1. The Claimant was a worker of the Second Respondent within the meaning of section 230(3)(3) Employment Rights Act 1996. The Claimant was not an employee or worker of the First Respondent.
2. The Second Respondent failed to issue the Claimant with a written statement of particulars at the time that these proceedings were commenced (or since). The Tribunal exceptionally declines to make an award for this failure.
3. The claims for an unauthorised deduction of wages and holiday pay against the First Respondent are not well founded and is dismissed.
4. The claim for an unauthorised deduction of wages against the Second Respondent is well founded and succeeds. The parties agree that the sum owed to the Claimant is £1,225.00 (gross) which includes an agreed sum of £75.00 to represent lost interest and the Second Respondent is ordered to pay this to the Claimant.
5. The claim for accrued but untaken leave (holiday pay) against the Second Respondent is well founded and succeeds. The parties agree that the sum due to the Claimant is £75.00 (gross) and the Second Respondent is ordered to pay this sum.

6. The total sum payable to the Claimant by the Second Respondent within 14 days of this judgment is £1,300.00 gross.
7. There is no order as to costs the Claimant's application having been refused.

Employment Judge Misra KC
Dated: 10 September 2024