

JERSEY / JUDGMENT

# Mr H Baptista v Mr J Lemos

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Summary – Unfair dismissal | Payment of wages | Minimum rest periods and annual leave  
76/2011 Jersey Employment Tribunal 9 December 2011 Before : Chairman Mr David Le Quesne  
Panel Members Mr Stewart Mourant and Mr John Noel Between Mr H Baptista Applicant And Mr J Lemos Respondent For the Applicant: The Applicant represented himself For the Respondent: Mr Rui Tremonceiro Employment (Jersey) Law 2003 Notification of the tribunal's decision This award, (subject to the right of appeal to the Royal Court as set out in the law) is legally binding and is the final decision of the tribunal. Each party, if applicable, is responsible for establishing their liabilities with regard to Social Security and Income Tax payments the Chairman: THE FACTS 1. At the beginning of the hearing Mr Tremoceiro informed us that the Applicant had offered to settle on payment to him of a certain sum, and we were shown a letter supporting this. We then questioned the parties, and it appeared that they might in fact be in agreement, so we adjourned so that they could have a discussion. The parties then informed us that they had agreed orders for us to make. We were easily satisfied that the Respondent understood the orders which were being sought, as he was legally represented. We went through the proposed orders with the Applicant, in detail, and he confirmed to us directly and through his interpreter that he was in agreement with each one, so we were also satisfied that he understood the

## orders.

2. The orders which we make on the application of both parties are as follows: (i) The Applicant was unfairly dismissed and the compensation to be paid by the Respondent to the Applicant for unfair dismissal is £9,880.00. (ii) The Respondent owes to the Applicant £300.00 in respect of unpaid holidays. (iii) The Respondent owes to the Applicant £1,400.00 in respect of wages for April 2011. Thus the total amount which we find that the Respondent must pay to the Applicant is £11,580.00. (iv) The Applicant owes to the Respondent £10,580.00 in respect of a debt due to the Respondent. (v) Both parties agree that our order should be for the payment of the balance of these sums. (vi) We therefore order that the Respondent shall pay to the Applicant the difference between £11,580.00 and £10,580.00 = £1,000.00 and we order that the sum of £1,000.00 shall be paid by the Respondent to the Applicant within 7 days of the date of this order.

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**ORIGINAL SOURCE**      <https://www.jerseylaw.je/judgments/tribunal/Pages/2011-12-09-Baptista-2305-76-11.aspx>

**CASE PAGE**              <https://chat.esheria.ai/case-law/jersey/mr-h-baptista-v-mr-j-lemos-2011>

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