

FOR THE EMPLOYMENT TRIBUNAL WATFORD

CASE NO: 3320666/2021

BETWEEN:

**MR NARAYANAN KRISHNAN**

**Claimant**

*and*

**SAMSUNG CAMBRIDGE SOLUTION  
CENTRE LIMITED**

**Respondent**

1. I joined the company in January 2020 as Staff Engineer, DevSys (which is short for Development Systems).
2. In my role, my principal duties and responsibilities were to maintain and deploy systems and tools as required by Samsung, both Cambridge and worldwide, to support software for Samsung's range of wireless solutions. This role involved helping to develop software and deploy tools through the entire software lifecycle including design, implementation, test, debug and support. The systems included, but were not limited to, version control systems, software build systems, release systems, issue tracking systems, database management, Assets Tracking system, Export Logging systems, few other systems. As we administer and support wide range of business-critical applications of the Company, Our Team's presence during the normal business hours (9AM - 5PM) is vital.
3. Due to the nature of the business, most of the times, we were required to work beyond this normal business hours. Problems, Issues, Requests raised by our internal customers / internal monitoring systems are usually higher and we had to work for long hours often.
4. As time went on during the pandemic, it has become a regular practice that we worked long hours every day. We have raised this issue in the team meeting with our manager. But those issues were ignored. I had also raised this issue in One-One meetings with the Manager on several occasion, However, he just laughed and skipped on. I also requested the Manager about compensating these extra hours but never got any reply.
5. On top of the existing workload, the Team management went on to take additional responsibilities from other teams (Development Team, Testing Team, Infra Team). Also, our team started supporting more new applications, expanded existing application into multiple servers, upgrades (Applications Upgrades, Server Upgrades) which were pending for years. Additionally, I was also told to develop few new applications and maintain few existing in-house applications. These were in additional to our normal business as usual process.
6. On several occasions the team raised concerns about the workload, the distribution of workload, increasing the workforce (our Team had only four members). Our request to the management for increasing the workforce was never heard citing Samsung headquarters in South Korea would not allow.
7. Neither the manager nor the management listened, instead more and more workloads were thrust on us with the same number of Team members.
8. Due to this I have been loosing a lot of family time and my family life was getting disturbed too much. I found difficulty in raising my kids, even though they were at home. At one point I decided to leave the company because of the family issues that were arising. I had no other options except to leave the company.

9. Fortunately, I found another Employer, with whom I can work without much pressure and overtime like this. I gave enough notice to the SCSC.
10. I brought it to the team management that the extra hours I had worked need to be compensated and insisted that they pay me before I leave the company or extend my notice period as time-in-lieu.
11. But the company management, did not respond properly, citing the additional hours I worked are “reasonable additional hours” and they are normal in businesses like Samsung.
12. I had no options left so I formally raised a complaint within the Company. The Company formed a Grievance committee and then Grievance Appeal Committee. Both these committees made one-sided decision in favour of the Company. **Those extra hours I worked were normal and voluntary and it is up to the Company’s decision whether to to pay or not, and they stand on the side of not paying.**
13. With no options left I approached ACAS who kindly got involved and wrote to the company for explanation. The company decided not to respond to ACAS. With the company not responding, ACAS issued me with the default certificate to take it to the Employment Tribunal.
14. After Employment Tribunal claim had been registered, The Company (Respondent) responded back stating new story that **the hours I calculated were not right** and they said I did not provide any evidence for those hours.
15. Initially they said they are not paying for the extra hours, now they are saying the hours I calculated were wrong. I tried to prove the extra hour calculation using the data that was available in Samsung System. The Company tried to stop me accessing those data, but knowing that it would become a legal issue, they provided small amount of data.
16. Even with those limited data, I was able to prove those extra hours. If I had been given the full data, I would have proved that I had worked more than 500 hours.
17. Now the company changed to a new story, they stated that my pay package covers all the additional hours and I do not come under “Working Time Regulations 1998 Act”. However, my employment contract states, any additional hours would be compensated as time-in-lieu at the discretion of manager. Also, the Certificate of Sponsorship authorized by “Home Office” states that I am contracted to work only 37 hours. This has been reconfirmed by few other letters provided by the company.
18. Though I Contracted to work 37 hours a week, I have been working nearly 50 - 60 hours a week. When I requested to be compensated, I was told that within “Working extra hours in Samsung is common practice and those extra hours will not be paid”.
19. I am here at the Employment Tribunal trying to get an organisational change at Samsung Company for all employees to get normal working hours / compensation for extra hours / stop getting underpaid.
20. I had even checked some reviews left by Employees (Full-time & Part-time) who worked at Samsung (Glassdoor Employees review - An independent employee review platform). 1/3 out of 14 reviews were bad and those bad reviews state long hours of working and the need for organisational change.

## References:

Home Office guidance for sponsors (part-2) - Sponsor a worker - general information  
Home Office guidance for sponsors (part-3) - Sponsor duties and compliance  
Employment reference letters and Reward letter provided by Respondent.  
Glassdoor Reviews of employees worked with the Respondent.