

FOR THE EMPLOYMENT TRIBUNAL WATFORD

CASE NO: 3320666/2021

BETWEEN:

MR NARAYANAN KRISHNAN

Claimant

and

**SAMSUNG CAMBRIDGE SOLUTION
CENTRE LIMITED**

Respondent

CLAIMANT'S WITNESS STATEMENT SUMMARY:

1. The dispute is between two parties Claimant (Mr. Narayanan Krishnan) and Respondent (Samsung Cambridge Solution Centre Limited).
2. When the dispute arose, the Respondent formed a Grievance committee. However, the Grievance committee did not allow the Claimant to involve an independent third-party to resolve and hence the resolution was one-sided. The Respondent claimed that it is a SCSC policy to not involve independent third-party in such cases. However, the Respondent itself was a decision-maker at both Grievance committee and the Grievance Appeal. Hence the Claimant was not awarded a fair decision.
3. After the Grievance committee and Grievance appeal panel made their one-sided decision, the Claimant took the dispute to ACAS to mediate. When ACAS wrote to the respondent for a reply the Respondent failed to respond. In the meantime, Claimant contacted ACAS to enquire if they can find a resolution. ACAS member again wrote to the Respondent for a reply - but never got one, before the deadline. Hence ACAS automatically provided Certificate to proceed to Employment Tribunal.
4. The Claimant again contacted ACAS to see if they can get a response from the Respondent as the Claimant wanted to resolve the dispute out of Court. Now the Respondent replied to ACAS that they are neither able or prepared to offer any settlement at that time. ACAS advised us either to take it to Employment Tribunal within 30 days of the certificate issuance or formal claiming chances would not be available. After careful consideration, the Claimant was left with no other option other than proceeding with the Employment Tribunal.
5. The Claimant raised "Employment Tribunal Claim" on 20-Sep-2021.
6. The Respondent provided false information to court in the ET3 Response stating that ACAS did not give enough time to prepare a meaningful response. (Refer: Page: 46 and Point 26 of Final Hearing Bundle) This was not the case.
7. The Respondent also told that Claimant has not worked 500 extra hours in excess of his contractual hours. (Refer: Page: 30 and Point: 3.25). Again, this is not true.
8. The Respondent did accept that the Claimant has worked extra hours in addition to contractual hours. (Refer: Page: 32 and Point 3.36 of Final Hearing Bundle)

9. Again, the Claimant raised queries on the Respondent's ET3 response to clarify how the Respondent is going to compensate the extra hours worked. (Refer: Page: 45 and Point 13 of Final Hearing Bundle). Respondent has not provided any answer for it until now.
10. The Respondent allegedly claimed that the Claimant did not provide evidence for the hours worked, though it was apparent. So, the Claimant requested for data from the Respondent's SCSC Systems and Servers. The Respondent replied by threatening to put all cost on the Claimant and forced to withdraw the case. Claimant refused to withdraw and demanded more data from the Respondent.
11. Respondent initially gave very little evidence. Due to the Claimant's continuous follow up, eventually they (Respondent) gave more data, however not in full. With the limited data provided (from Email, Gerrit, Ticketing System alone), Claimant is able to prove that he had worked extra hours that were not paid.
12. The Data collated by the Claimant was only a portion of the work the Claimant was involved. However, the Claimant has worked on 20+ System Applications from which time logs were not considered. When the Claimant raised this, the Respondent replied that the data was not available. However, the Claimant requested the Respondent to retain these data before leaving the organization. (SCSC Request Number: SCSC-52631 and Email Dated: 21-July-2021)
13. However, the Respondent did not provide the daily login and logout logs (timestamps) from VPN System and timestamps from various other SCSC Systems handled by Claimant.

Reference:
SCSC Systems List - (Refer: Page No: 362, 363, 364 of Final Hearing Bundle).
Claimants Data Summary – (Refer: Page No: 399 – 432 of Final Hearing Bundle).
14. Initially the Respondent indicated that the Claimant did not provide information on how the extra hours were calculated. When that information was provided, they (Respondent) changed their tone saying that even if the Claimant had worked for extra hours, they (Respondent) are not willing to compensate.
15. In the Employment Contract that was signed at the start of employment states that the Claimant role in the Organization would need to work extra hours as when needed and these reasonable extra hours will be compensated.
16. The Respondent in their "Grounds of Resistance" (Refer: Page No: 29 and Point No: 3.21.2) claimed that the Claimant job nature might involve extra additional hours. As per the Employment Contract these extra hours should have been compensated. If these extra hours would have been 10 or 20 hours, the Claimant would have not asked for any compensation. Because these extra hours totals to 500+ hours, the Claimant is asking for the Employment Tribunal to intervene and provide fair justice.

Claimant's Response for the Respondent's data review:

Claimant do not agree with the data summary produced by the Respondent as it is a deliberate miscalculation.

Though the Respondent are aware of, we would like to inform the Respondent (again) and the Employment Tribunal, on how the Claimant's Job nature is.

- The Claimant was working on 20+ various live applications as an Application Administrator and most of them are business critical for the Respondent. These Applications are monitored continuously by other Applications which generates alerts and emails and tickets (prioritized) that needs to be triaged.
- As part of DevOps Apps Team Responsibility, Claimant handled the availability of mission critical and live SCSC systems(applications) which required immediate response for any issues impacting few to many stakeholders.
- Every day, the Claimant would login to VPN, check their emails, look for monitoring alerts, check for status of various tickets / issues / alerts emerged between the previous log-off time to the current time.
- The Claimant had to check all the above before making a comment, reply, code-review.
- The Respondent did not consider all the above, but safely (to add weightage to their argument) considered the time of the first comment as day's starting time for the Claimant which is wrong.
- Again, while calculating the extra hours, time logs from various applications were not taken into consideration. (Email, Gerrit, Jira Ticketing System were considered, while VPN Logins, time logs from 20+ applications were not considered).
- It is the same case in the evenings, the Claimant would check his emails, look for monitoring alerts, check for status of various tickets / issues / alerts emerged between the previous log-off time.
- If the above were calculated properly the Claimant is sure that more than 500+ extra working hours would need to be compensated.