



# THE EMPLOYMENT TRIBUNALS

BETWEEN

*Claimant*

*Respondent*

Mr S Lee

AND

A Belco Limited  
(in administration)

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Held at: North Shields

On: 27 February 2017

Before: Employment Judge Johnson

### *Appearances*

For the Claimant: In person

For the Respondent: No attendance and no appearance

## JUDGMENT ON REMEDY

- 1 The claimant's complaint of breach of contract (failure to pay notice pay) is well-founded and succeeds. The respondent is ordered to pay to the claimant compensation in the sum of £13,500.00. This is a net amount and the respondent shall be responsible for the payment of any income tax and national insurance contributions thereon.
- 2 The claimant's complaint of unauthorised deduction from wages (failure to pay accrued holiday pay) is well-founded and succeeds. The respondent is ordered to pay to the claimant accrued holiday pay in the sum of £6,750.00. This is a net amount and the respondent shall be responsible for the payment of any income tax and national insurance contribution thereon.
- 3 The claimant's complaint of unauthorised deduction from wages is well-founded and succeeds. The respondent is ordered to pay to the claimant wages unlawfully deducted in the sum of £53,504.15. This is a net amount and the

respondent shall be responsible for the payment of any income tax and national insurance contributions thereon.

- 4 The claimant's complaint of being automatically unfairly dismissed for making a protected disclosure is well-founded and succeeds. The claimant has no entitlement to a basic award as his dismissal was not one of those which attracts a minimum basic award for an automatic unfair dismissal. The claimant is entitled to a compensatory award for unfair dismissal in the sum of £37,900.00.

## **REASONS**

- 1 The claimant attended in person and gave evidence under oath. The respondent is a company in administration. The administrators have confirmed that they consent to these proceedings continuing but have indicated that no evidence will be called on behalf of the respondent at any hearing.
- 2 The claimant began his employment with the respondent on 2 February 2015 and was dismissed on 4 January 2016. The Tribunal accepted the claimant's evidence that the principal reason for his dismissal was that he had made protected disclosures to the respondent and the Health and Safety Executive. The Tribunal found that the claimant was automatically unfairly dismissed pursuant to section 100(1)(c) of the Employment Rights Act 1996. The claimant is not entitled to a minimum basic award. The claimant is entitled to a compensatory award in the sum of £37,900.00, based upon the length of time it will take the claimant to obtain employment at the salary which he was previously paid by the respondent.
- 3 The claimant was dismissed without notice. The Tribunal found that the claimant was entitled to three months notice in the sum of £13,500.00 per month net.
- 4 The Tribunal found that the respondent had failed to pay the claimant his accrued holiday pay, calculated in the sum of £6,750.00.
- 5 The Tribunal found that the respondent had made an unauthorised deduction of the claimant's wages up to the date of his dismissal in the sum of £6,750.00.

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**EMPLOYMENT JUDGE JOHNSON**

**JUDGMENT SIGNED BY EMPLOYMENT  
JUDGE ON**

**2 March 2017**

**JUDGMENT SENT TO THE PARTIES ON**

**6 March 2017**

**AND ENTERED IN THE REGISTER**

**G Palmer**

**FOR THE TRIBUNAL**