



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4100164/2017

Employment Judge: Robert Gall

Mr C Dishington

Claimant

Moffat Building Services Limited

Respondent

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

No response has been presented to this claim and an Employment Judge has decided to issue the following judgment on the available material under Rule 21:

1. The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the sum of £600 gross (Six Hundred Pounds).
2. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of £885.60 gross (Eight Hundred and Eighty Five Pounds, Sixty Pence) being pay in respect of holidays accrued but untaken at date of termination of employment (7.38 days).
3. The claimant incurred financial loss due to non payment of wages due to him specifically he incurred overdraft charges and non transaction fees totalling £96 (Ninety Six Pounds). The respondent is ordered to pay that sum to him.
4. The respondents are ordered to pay to the claimant £160 (One Hundred and Sixty Pounds) in reimbursement of the fee paid by him to the Tribunal at time of presentation of the claim.

5. The claimant submitted a grievance to the respondents on 16 September 2016. In terms of The ACAS Code of Practice the respondents should arrange a formal meeting without unreasonable delay thereafter. No such formal meeting was arranged. The respondents therefore breached The ACAS Code of Practice. There has been no explanation of why that occurred. It appears to the Tribunal that this failure was unreasonable given that the obligation is not particularly onerous. In terms of Section 207A of The Trade Union & Labour Relations Act 1992 an uplift in compensation of 25% is considered just and equitable. The constituent elements of the successful claim are £600, £885.60 and £96. The uplift is therefore £395.40. The total sum awarded to the claimant is therefore £1,977. The respondents are ordered to pay that amount to the claimant.

Employment Judge: Robert Gall

Date of judgment: 25 April 2017

Entered in register and copied to parties: 25 April 2017