



EMPLOYMENT TRIBUNALS

Claimant: Mr S Pagano

Respondent: DGR (Manchester) Limited (in Voluntary Creditors Liquidation)

HELD AT: Manchester

ON: 3 January 2018

BEFORE: Employment Judge Franey

REPRESENTATION:

Claimant: Not in attendance

Respondent: Not in attendance

REMEDY JUDGMENT

Employment Tribunal Rules of Procedure 2013 – Rule 21

1. Pursuant to the rule 21 judgment as to liability sent to the parties on 21 August 2017, and having considered written representations from the claimant (including a witness statement, schedule of loss and accompanying documents), the Tribunal makes the following judgment as to remedy in relation to the complaints identified in paragraph 2(a) – (e) of the liability judgment:

- (a) All proceedings as to remedy in relation to complaints under the Equality Act 2010 (including the complaint set out in paragraph 28.d of the statement of claim) and any matters not encompassed by the awards made in this judgment are stayed pending further order from the Tribunal. Such matters are not suitable for determination on paper and if the claimant wishes to have a remedy for such matters he will need to request an “in person” remedy hearing.
- (b) In relation to unfair dismissal the respondent is ordered to pay the claimant a basic award of **£746** and a compensatory award of **£17,333.20** calculated as follows:

Loss of statutory rights	£350.00
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Lost basic pay December 2016-December 2017 £8.00 per hour x 20 hours per week x 52 weeks	£8,320.00
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Lost tips December 2016-December 2017 £8.33 per hour x 20 hours per week x 52 weeks	<u>£8,633.20</u>
Total	£17,333.20

(c) The respondent is ordered to pay the claimant the sum of **£746.00** as damages for breach of contract in relation to notice pay.

(d) The respondent is ordered to pay to the claimant the sum of **£37,915.53** unlawfully deducted from his pay calculated as follows:

Basic pay and tips for 16 December 2016	£78.77
Pay for annual leave accrued but untaken	£206.76
Unpaid tips £7.10 per hour x 20 hours per week x 265 weeks	<u>£37,630.00</u>
	<u>£37,915.53</u>

(e) The respondent is ordered to pay the claimant the sum of **£1,404.38** as damages for breach of contract in respect of the failure to provide the claimant with 20 hours of work each week in the period from 29 May 2015 to 16 December 2016.

2. The recoupment regulations do not apply.

3. The total amount payable by the respondent to the claimant pursuant to this judgment is therefore **£58,145.11**.

Employment Judge Franey

3 January 2018

JUDGMENT SENT TO THE PARTIES ON

11 January 2018

FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 2401781/2017

Name of Mr S Pagano v DGR (Manchester) Limited
case(s):

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 11 January 2018

"the calculation day" is: **12 January 2018**

"the stipulated rate of interest" is: 8%

MR I STOCKTON
For the Employment Tribunal Office