



EMPLOYMENT TRIBUNALS

Claimant: Mr P Foster
Respondent: Elsa Waste Paper Ltd

HELD AT: Manchester **ON:** 10, 11 and 12 April
2018
BEFORE: Employment Judge Horne

REPRESENTATION:

Claimant: In person
Respondent: Miss K Swan, solicitor

JUDGMENT

1. The complaint of failure to pay holiday pay is dismissed following withdrawal by the claimant.
2. The claimant was unfairly dismissed.
3. It is just and equitable to reduce the claimant's basic and compensatory awards by 60% on account of his contributory conduct prior to the dismissal.
4. The claimant's compensatory award is increased by 10% under section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 to reflect the respondent's unreasonable failure to comply with paragraph 5 of the *ACAS Code of Practice 1 – Disciplinary and Grievance Procedures*.
5. The claimant's compensatory award is reduced by 5% under the same section to reflect the claimant's unreasonable failure to comply with paragraph 26 of the same *Code*.
6. The respondent is ordered to pay the claimant a basic award of £586.80 and a compensatory award of £5,087.83 making a total of £5,674.63.

7. The tribunal is satisfied that the requirements of regulation 4 of the Employment Protection (Recoupment of Jobseeker's Allowance etc) Regulations 1996 do not apply.

Employment Judge Horne

12 April 2018

SENT TO THE PARTIES ON
16 April 2018

FOR THE TRIBUNAL OFFICE

Note – reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date on which this judgment was sent to the parties. If written reasons are provided, they will be displayed on the tribunal's website.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 2420661/2017

Name of case(s): Mr P Foster v Elsa Waste Paper Ltd

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: 16 April 2018

"the calculation day" is: 17 April 2018

"the stipulated rate of interest" is: 8%

For the Employment Tribunal Office