



# **EMPLOYMENT TRIBUNALS**

**BETWEEN**

**CLAIMANT**  
MR K MOLEK  
(HOLDINGS) LTD

**RESPONDENT**  
KALIBER MARKETING

**JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

**HELD AT MANCHESTER ON 21 AUGUST AND 5 OCTOBER 2018.**

**EMPLOYMENT JUDGE WARREN**

REPRESENTATION

**CLAIMANT – IN PERSON**

**RESPONDENT – MISS N PARKER, SOLICITOR**

## **JUDGMENT**

1. THE CLAIMANT WAS UNFAIRLY DISMISSED BY THE RESPONDENT.
2. IN BREACH OF CONTRACT THE RESPONDENT FAILED TO PAY THE CLAIMANT NOTICE PAY.
3. THERE WAS A FIFTY PER CENT CHANCE OF THE CLAIMANT BEING DISMISSED FAIRLY HAD A FAIR PROCEDURE BEEN FOLLOWED.
4. THE CLAIMANT CONTRIBUTED BY HIS CONDUCT TO HIS DISMISSAL TO THE EXTENT OF TWENTY FIVE PER CENT.
5. THE RESPONDENT FAILED TO COMPLY WITH ANY STATUTORY PROCEDURE, AND THE APPROPRIATE AWARDS WILL BE UPLIFTED BY TWENTY FIVE PERCENT.

6. THE RESPONDENT IS ORDERED TO PAY TO THE CLAIMANT THE SUM OF ELEVEN THOUSAND FIVE HUNDRED AND FIFTY SIX POUNDS AND FIFTY SIX PENCE (£11,556.56) CALCULATED IN ACCORDANCE WITH THE SCHEDULE SET OUT BELOW

SCHEDULE OF REMEDY CALCULATION

1. THE CLAIMANT WAS BORN ON 8 APRIL 1967.
2. HE STARTED EMPLOYMENT WITH THE RESPONDENT ON 21 JULY 2009.
3. HIS EFFECTIVE DATE OF TERMINATION WAS 5 JANUARY 2018.
4. HE HAD EIGHT YEARS CONTINUOUS SERVICE.
5. HIS AGE AT THE EFFECTIVE DATE OF TERMINATION WAS 50.
6. THE REMEDY HEARING DATE WAS 5 OCTOBER 2018.
7. THE CLAIMANT FAILED TO FIND WORK IN THE UK AND CHOSE TO RETURN TO POLAND. HE HAS NOT SOUGHT WORK SINCE 24 AUGUST 2018, WHICH IS THEREFORE THE CUT OFF DATE FOR LOSS OF EARNINGS.
8. HE WAS ENTITLED TO 8 WEEKS STATUTORY NOTICE.
9. HIS NET WEEKLY PAY WAS £340.00.
10. HIS GROSS WEEKLY PAY WAS £403.00.

BASIC AWARD

8 WEEKS X 1.5 X 403 = £4836  
LESS CONTRIBUTORY FAULT OF 25% = **£3627.00**

WRONGFUL DISMISSAL DAMAGES

NOTICE PAY – 8X 340 = 2720  
PLUS FAILURE BY THE RESPONDENT TO FOLLOW STATUTORY PROCEDURES AT 25% = **£3400**

COMPENSATORY AWARD – IMMEDIATE LOSS

LOSS OF NET EARNINGS – 24 WEEKS X 340 = £8160

PLUS LOSS OF STATUTORY RIGHTS – 2 WEEKS PAY = £806

PENSION LOSS £2.91 X 32 WEEKS = £93.12

THERE IS NO FUTURE LOSS.

TOTAL COMPENSATORY AWARD BEFORE ADJUSTMENTS = £9059.12

ADJUSTMENTS TO THE COMPENSATORY AWARD

LESS 50% (POLKEY REDUCTION) £ 4529.56

PLUS 25% FAILURE TO FOLLOW FAIR PROCEDURE = £2264.78

LESS 25% CONTRIBUTORY FAULT = £2264.78

TOTAL ADJUSTMENT TO THE COMPENSATORY AWARD -£4529.56

TOTAL COMPENSATORY AWARD AFTER ADJUSTMENTS = £4529.56

SUMMARY TOTALS

BASIC AWARD - £3627

WRONGFUL DISMISSAL - £3400

COMPENSATORY AWARD - £4529.56

TOTAL AWARD £11,556.56

EMPLOYMENT JUDGE WARREN

SIGNED ON 17 OCTOBER 2018

JUDGMENT SENT TO PARTIES ON

29 OCTOBER 2018

**NOTICE**

**THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990**

*Tribunal case number(s): 2405626/2018*

*Name of case(s): Mr K Molek v Kaliber Marketing  
(Holdings) 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: 29 October 2018*

*"the calculation day" is: 30 October 2018*

*"the stipulated rate of interest" is: 8%*

**MR S ROOKE**  
*For the Employment Tribunal Office*

## **INTEREST ON TRIBUNAL AWARDS**

### **GUIDANCE NOTE**

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at [www.gov.uk/government/collections/employment-tribunal-forms](http://www.gov.uk/government/collections/employment-tribunal-forms)

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.