



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: S/4103925/2018

Employment Judge: Claire McManus

Mr G Cameron

Claimant

O.C.O Glenrothes Limited

Respondent

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

The judgment of the Employment Tribunal is that the claimant's complaints of;

- (a) Redundancy Pay
- (b) Notice Pay
- (c) Holiday Pay

succeed and that the respondent shall pay to the claimant the total sum of Seven Thousand and Twenty Six Pounds and Twenty Pence (£7,026.20) comprising:-

- (a) The sum of Three Thousand Three Hundred and Twenty Eight Pounds and Twenty Pence (£3,328.20) in respect of statutory redundancy pay.
- (b) The sum of Three Thousand Three Hundred and Twenty Eight Pounds and Twenty Pence (£3,328.20) in respect of notice pay.
- (c) The sum of Three Hundred and Sixty Nine Pounds and Eighty Pence (£369.80) in respect of accrued but untaken holiday pay.

REASONS

1. A copy of the claim form setting out the claimant`s complaint was sent to the respondent on 18 April 2018.
2. In accordance with the terms of Rule 16 of the Rules to be found in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 the respondent was required to enter a response within twenty-eight days of the date on which a copy of the claim was sent to him but failed to do so.
3. On the basis of the available material the Employment Judge decided she could properly determine remedy as follows:-
 - (a) In respect of the claimant`s complaint of entitlement to statutory redundancy pay, the respondent shall pay to the claimant the sum of Three Thousand Three Hundred and Twenty Eight Pounds and Twenty Pence (£3,328.20) calculated on the basis of the claimant having had nine complete years of service with the respondent, a weekly wage of £369.80 (calculated at 43 hours per week at the gross rate of £8.60 an hour) and with reference to the claimants age $(9 \times £369.80 \times 1) = £3,328.20$.
 - (b) In respect of the claimant`s complaint of entitlement to notice pay, the respondent shall pay the claimant the sum of Three Thousand Three Hundred and Twenty Eight Pounds and Twenty Pence (£3,328.20), being in respect of nine weeks pay $(9 \times £369.80)$.
 - (c) In respect of the claimant`s complaint of entitlement to accrued but untaken holiday pay, the respondent shall pay to the claimant the sum of Three Hundred and Sixty Nine Pounds and Eighty Pence, (£369.80) being in respect of 43 hours entitlement at the gross rate of £8.60 an hour $(43 \times £8.60)$ and taking into account the claimant`s entitlement to 240 hours holiday pay per year, and the claimant having taken 397 of those hours.

Employment Judge:	Claire McManus
Date of Judgement:	08 June 2018
Entered in register:	08 June 2018
And copied to parties	