



EMPLOYMENT TRIBUNALS

Claimant: Mr W J Walker

Respondent: Simpsons Logistics Limited

Heard at: North Shields

On: 12 April, 2018

Before: Employment Judge Nicol (sitting alone)

Representation

Claimant: Miss S Walker, daughter

Respondent: did not appear

JUDGMENT

Upon the respondent not appearing after having failed, either directly or through a representative, to respond to correspondence from the Tribunal and the Tribunal finding that it was appropriate to proceed in its absence and after reading all of the documents submitted to the Tribunal, including some sent to the claimant by the respondent, and hearing the claimant it is the Judgment of the Tribunal that

- 1 the claimant was an employee and/or a worker of the respondent
- 2 having regard to, among other things, the respondent having admitted that the claimant was dismissed on 30 November, 2017, but not put forward any reason for the dismissal, the claimant was unfairly dismissed by the respondent
- 3 the claimant's complaint that he was dismissed without notice and/or a payment in lieu of notice is well founded
- 4 the claimant's complaint that he suffered unlawful deductions from his wages is well

founded

- 5 the claimant's complaint that he did not receive all of the holiday pay to which he was entitled on the termination of his employment is well founded
- 6 the claimant's complaint that he did not receive a written statement of particulars of employment is not well founded and is dismissed
- 7 with regard to Section 207A of the Trade Union and Labour Relations Act, 1992, the claims to which these proceedings relate
 - 7.1 concern matters to which a relevant Code of Practice applies,
 - 7.2 the respondent has failed to comply with that Code of Practice
 - 7.3 that failure was unreasonable
 - 7.4 it is just and reasonable in all the circumstances to increase the awards to the claimant and
 - 7.5 that increase should be by twenty five per cent
- 8 the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations, 1996, do not apply in this case

AND the respondent is ordered to pay the claimant

- 1 in respect of the complaint that the claimant was unfairly dismissed a basic award of £1800.00 together with a compensatory award in respect of the period 27 January, 2018, to 30 November, 2018, in the sum of £7800.00 (being £1650.00 in respect of the period 27 January, 2018 to 12 April, 2018, plus £4950.00 in respect of the period 13 April, 2018, to 30 November, 2018, plus £150 in respect of the loss of statutory rights, all increased by twenty five per cent but subject to a cap of £7800.00)
- 2 in respect of the claimant's complaint that he did not receive notice and/or a payment in lieu of notice, the sum of £1500.00 (being £1200.00 in respect of the period of eight weeks from 30 November, 2017, increased by twenty five per cent)
- 3 in respect of the claimant's complaint that he suffered unlawful deductions from his wages, the sum of £3375.00 (being wages of £2700.00 for the period 1 August, 2017, to 30 November, 2017, increased by twenty five per cent)
- 4 in respect of the claimant's complaint that he did not receive all of the holiday pay to which he was entitled on the termination of his employment, compensation in the sum of £512.54 (the claimant being entitled to pay for 54.67 hours being holiday entitlement that he had not used out of a total entitlement of 74.67 hours during the period 1 April, 2017, to 30 November, 2017, increased by twenty five per cent)

AND in respect of these sums the claimant shall account to Her Majesty's Revenue and Customs for any income tax and/or National Insurance Contributions that may be due

AND it be noted that the above corrects errors in the figures announced during the hearing

Employment Judge Nicol

Date 12 April, 2018

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.