



EMPLOYMENT TRIBUNALS

Claimant: Mr D MacLaine-Jones

Respondent: Attivo Technology (UK) Ltd (in creditors' voluntary liquidation)

Heard at: Liverpool **On:** 2 July 2019

Before: Employment Judge Horne

REPRESENTATION:

Claimant: In person

Respondent: Did not attend, not represented, participation restricted under rule 21 of the Employment Tribunal Rules of Procedure 2013

JUDGMENT

1. The respondent is liable for unlawful discrimination against the claimant because of sexual orientation and is ordered to pay him the sum of £4,000.00 together with interest of £320.00.
2. The respondent is additionally ordered under section 207A of the Trade Union and Labour Relations Act 1992 to pay the claimant the sum of £600.00 for unreasonable failure to comply with a relevant ACAS Code of Practice.
3. The complaint of unfair constructive dismissal is dismissed on the ground that the claimant was not continuously employed for two years prior to the termination of his employment.
4. It is recorded that the claimant's claim does not include a complaint of wrongful constructive dismissal (that is, a claim for damages for failure to give notice of termination).
5. The respondent made an unlawful deduction from the claimant's final wages and is ordered to pay him £415.38, subject to such deductions as the respondent is required to make for tax and national insurance.
6. The respondent made a series of unlawful deductions from the claimant's wages by paying them after the date on which they were properly payable. Under section 24(2) of the Employment Rights Act 1996 the respondent is ordered to

pay the claimant £51.94 (net) as compensation for financial losses consequent on those deductions.

7. The respondent did not make any unlawful deduction from the claimant's wages by failing to pay him an enhanced rate for lone working.
8. The tribunal has no jurisdiction to consider the claim for damages for personal injury caused by alleged breach of contract related to lone working.
9. The respondent did not make any unlawful deduction from the claimant's wages by pressurising him to carry out work for no pay.

Employment Judge Horne

2 July 2019

SENT TO THE PARTIES ON

9 July 2019

FOR THE TRIBUNAL OFFICE

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 is sent to the parties. If written reasons are provided, they will be entered on the tribunal's online register which is visible to internet searches.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **1403773/2018**

Name of **Mr D MacLaine- v Attivo Technology (UK)**
case(s): **Jones Ltd - In Voluntary
Creditors Liquidation**

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: **9 July 2019**

"the calculation day" is: **10 July 2019**

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

MR I STOCKTON
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/publications/employment-tribunal-hearings-judgment-guide-t426

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.