



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4102786/2019

5

Held in Glasgow on 15 May 2019

Employment Judge: W A Meiklejohn

10 **Mr Ross Potter**

**Claimant
In Person**

15 **Pentland Joinery & Construction Ltd**

**Respondent
No appearance and
No representation**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

20 The Judgment of the Employment Tribunal is that the Respondent is ordered to pay to the Claimant the following amounts –

(a) in respect of failure to give notice of termination of employment, the sum of THREE HUNDRED AND SIXTY THREE POUNDS (£363.00), and

25 (b) in respect of failure to pay remuneration to which the Claimant was entitled, the sum of TWO HUNDRED AND NINETY POUNDS AND FORTY PENCE (£290.40).

REASONS

1. This case came before me for a Final Hearing. The Claimant appeared in person. The Respondent had not submitted a response to the claim and was not present or represented at the Hearing.

2. The Claimant was seeking payment of notice pay and payment for four public holidays (25 and 26 December 2018 and 1 and 2 January 2019). He had

E.T. Z4 (WR)

submitted details of all sums claimed with his ET1 claim form and, at the Tribunal's request, had submitted a copy of his contract of employment.

3. I did not consider that it was necessary to hear evidence from the Claimant at the Hearing, but simply to clarify what he had already submitted. This clarification confirmed the following –

(a) The Claimant had been absent from work from 3 December 2018 (following an accident which was not work related) until his dismissal without notice on 29 January 2019.

(b) He had received two payments from the Respondent which he understood to relate to his entitlement to Statutory Sick Pay ("SSP") but which he could not reconcile exactly with his dates of absence.

(c) While he was medically certified as unfit for work, four of the public holidays to which he was contractually entitled had occurred (25 and 26 December 2018 and 1 and 2 January 2019) for which he had not been paid.

(d) He had no entitlement to contractual sick pay..

4. Against this background, I determined that the Claimant was entitled to receive one week's net pay (£363.00) in lieu of notice (his dismissal without notice having been in breach of contract). He was also entitled to receive payment in respect of the said public holidays in the sum of £290.40 (being four days' net pay at the rate of £72.60 per day).

5. I explained that it was not within the jurisdiction of the Employment Tribunal to make an award in respect of alleged underpayment of SSP. I also explained that any non payment of pension contributions under auto-

enrolment to the appropriate provider was not a matter which could be pursued before an Employment Tribunal.

5

Employment Judge: WA Meiklejohn
Date of Judgment: 17 May 2019
Entered in register : 18 May 2019
and copied to parties