



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Johnston  
**Respondent:** Econ Engineering Limited

## AT A REMEDY HEARING

**Heard at:** Leeds                      **On:** 3<sup>rd</sup> September 2019  
**Before:** Employment Judge Lancaster

### Representation

**Claimant:** Mr M Brien, counsel  
**Respondent:** Mr R Quickfall, counsel

## JUDGMENT

1. The Claimant has not committed any misconduct before the dismissal which would make it just and equitable to further reduce the amount of the basic award for unfair dismissal.
2. The reduction to the basic award under section 122 (2) of the Employment Rights Act 1996 is confirmed at 10 per cent.
3. The reduction to the compensatory award for unfair dismissal under section 123 (6) of the Employment Rights Act 1996 is confirmed at 10 per cent.
4. There is no further just and equitable reduction to the compensatory award for unfair dismissal under section 123 (1) of the Employment Rights Act 1996. The reduction under Polkey is confirmed at 25 per cent, so that the total reduction in the compensatory award is 35 per cent.
5. The increase to the award under section 207A of the Trade Union & Labour Relations (Consolidation) act 1992 is confirmed at 10 per cent.
6. The appropriate level of award for loss of statutory rights on full liability is £500.00
7. The Claimant would have continued to receive overtime payments averaging at 10 hours per week for a period of 1 year after termination had he not been unfairly dismissed.
8. The award of compensation which the Respondent is hereby ordered to pay to the Claimant is therefore calculated, by consent, as follows:

Case: 1811600/2018

Basic award	£12,115.80
Damages for wrongful dismissal	£7633.97 gross
Compensation for unfair dismissal	£3,633.76

EMPLOYMENT JUDGE LANCASTER

DATE 4<sup>th</sup> September 2019

**Note**

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

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