



EMPLOYMENT TRIBUNALS

Claimant: Mr C Evans

Respondent: Mitie Security Limited

Heard at: Bristol **On:** 18 to 21 November 2019

Before: Employment Judge O'Rourke
Mrs Monahan
Ms Maidment

Representation

Claimant: Mr Franklin – counsel

Respondent: Ms Levine – counsel

JUDGMENT

1. The Respondent unfairly dismissed the Claimant and subjected him to a detriment as a part-time worker, subject to Regulation 5 of the Part-Time Worker Regulations 2000.
2. The Respondent breached the ACAS Code in respect of the handling of the Claimant's grievance.
3. The Claimant's claims of automatic unfair dismissal, subject to regulation 7 of the TUPE Regulations and detriment subject to regulation 7 of the Part-Time Worker Regulations, fail and are dismissed.

4. The Respondent is ordered to pay the Claimant the sum of £4274.71, as set out in the attached Schedule, subject to recoupment. The prescribed period is from 17 February 2018 to 17 August 2018 and the prescribed element is £3920.81.

Employment Judge C H O'Rourke

Date: 21 November 2019

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Schedule

<u>Basic award</u>		£52.02
<u>Compensatory award</u>		
<u>Prescribed element</u>		
Net average wages of £157.32 per week from 17/02/2018		
To 17/08/2018 (number of weeks – 26): 26 x £157.32 =		£4,090.32
<u>Less</u>		
Additional payment in lieu of notice, to 16/03/2018	(£680.92)	
<u>Sub-total</u>		<u>£3,409.40</u>
<u>Increase under Section 124A ERA of 15%</u>	£511.41	
<u>Prescribed element total</u>		£3,920.81
<u>Non-prescribed element</u>		
Loss of statutory rights	£262.50	
<u>Increase under Section 124A ERA of 15%</u>	£39.38	
<u>Non-prescribed element total</u>		£301.88
GRAND TOTAL		£4,274.71