



THE EMPLOYMENT TRIBUNAL

SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE C HYDE (sitting alone)

BETWEEN:

Claimant

MR ROBBIE LUTON

AND

Respondent

OYSTER PEARL BAR & RESTAURANT LIMITED

ON: 13 January 2020

APPEARANCES:

For the Claimant: Mr M Arnold, Consultant

For the Respondent: Did not attend and was not represented
(No response entered)

REMEDY JUDGMENT

The Judgment of the Tribunal is that: -

1. The Respondent is ordered to pay the following sums to the Claimant pursuant to the Rule 21 Judgment which was sent to the parties on 18 September 2019:
 - a. It was declared that the Respondent had unlawfully deducted the sum of £572.70 gross from the Claimant's wages (69 hours x £8.30 per hour); and the Respondent was ordered to repay that sum to the Claimant forthwith.
 - b. It was declared that the Respondent had unlawfully deducted the sum of £659.85 gross from the Claimant's wages in respect of

accrued but untaken holiday which was outstanding on termination of the employment (79 hours 40 minutes at £8.30 per hour). The Respondent was ordered to repay that sum to the Claimant forthwith.

c. The Respondent having wrongfully dismissed the Claimant, was ordered to pay damages to the Claimant in the sum of £2,870.00 gross (10 weeks at £332.00 per week = £3,320.00 less £450.00 earned during the notice period – January 2019)

d. In respect of unfair dismissal,

i. the Respondent was ordered to pay to the Claimant compensation in the sum of £332.00 x 8 = £2,656.00 in respect of the basic award.

ii. In respect of the compensatory award, the Respondent was ordered to pay compensation to the Claimant as follows: -

i. Loss of earnings from after the notice period for a period of 13 weeks = 13 weeks x £332.00 gross = £4,316.00 less money received in that time (February, March, April 2019) = £400 + £450 + £800 = £1,650.00;

4,316.00
-1,650.00
2,666.00 gross

ii. Loss of statutory employment rights = £450.00

e. Uplift in respect of compensation for unfair dismissal, unlawful deduction of wages, holiday and damages for breach of contract for failure to follow statutory procedures @ 25%

f. Failure to provide written particulars of employment (two weeks' gross pay) = £664.00

GRAND TOTAL

£ 9,874.55
£ 2,468.64 (25% uplift)
£12,343.19
+ 664.00
£13001.13

2. The Recoupment Regulations apply to this award.

3. The Claimant's application for costs against the Respondent was refused.

Employment Judge Hyde

Dated: 31 January 2020

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 Judgments

All 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.