



EMPLOYMENT TRIBUNALS

Claimant: Mr Russell

Respondent: DW Scaffolding Services NE Ltd

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The judgment of the Tribunal is:

1. The claimant is entitled to a redundancy payment equivalent to 10 weeks' gross pay (one week's pay for each complete year of service).
2. The claimant's complaint that the respondent breached his contract of employment by dismissing him on 29 November 2019, having given only two days' notice instead of the ten weeks' notice to which he was entitled, is well founded.
3. The claimant's complaint that the respondent made a deduction from his wages in contravention of section 13 of the Employment Rights Act 1996 by failing to pay his wages for the week commencing 25 November 2019 is well founded.
4. The claimant's complaint that the respondent failed to pay him the amount of 1.7 weeks' pay due to him on the termination of employment for accrued but untaken holiday, and thereby made an unauthorised deduction from his wages in contravention of section 13 of the Employment Rights Act 1996 is well founded.
5. The respondent must pay to the claimant the following amounts (subject to any required PAYE deductions in respect of b, c and d):-
 - a. £4,700 as a statutory redundancy payment
 - b. £4,532, as damages for breach of contract (wrongful dismissal)
 - c. £470, being the amount owing in unpaid wages for week commencing 25 November 2019
 - d. £799, being the amount owing in respect of accrued holidays.

Employment Judge Aspden

Date 12 June 2020