



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr C Tobin

v

Panoramic Group Limited

PUBLIC HEARING

Heard: BY CVP

On: 3 September 2020

Before:

Employment Judge JM Wade

Representation:

Claimant:

In person

Respondent:

No attendance

This has been a remote hearing by CVP. A face to face hearing was not held because of the present Covid 19 circumstances. Mr Tobin attended the Tribunal today and was provided with facilities from which to connect remotely to the hearing. The respondent did not attend by video link but had sent the Tribunal a file of relevant documents. The Tribunal's clerk rang the respondent and also sent an email alerting its finance director Ms Rees to the hearing. There was no response. I decided to proceed with the hearing pursuant to Rule 47 in the respondent's absence and give judgment on the merits. This was exceptionally in the interests of justice as the relevant facts were not in dispute and the issues were limited to applying established principles of law to undisputed facts. The respondent's response was misconceived as a defence to an unlawful deduction from wages complaint; and the claimant's claim for damages in respect of another role which he turned down to join the respondent was also misconceived.

JUDGMENT

1 By consent the title of the respondent is amended as it appears above (the addition of "Ltd").

2 The claimant's complaints of unlawful deduction from wages/a failure to pay holiday pay on the termination of employment succeed and the respondent shall pay to the claimant the following gross sums:

£96.15 (one day's holiday pay);

£480.77 five day's pay unlawfully deducted;

£19.24 gross pay unlawfully deducted in the use of a net sum in the calculation of notice pay;

Total £596.16

3 The claimant's claim for damages for breach of contract comprising lost earnings from a post he turned down to accept the post with the respondent, is dismissed.

Notes to the parties: In response to a question from the claimant I explained that the Tribunal's rules include provision for preparation time orders where a claim or defence has been misconceived and/or a party has acted unreasonably in the conduct of the proceedings. Such applications may be made in writing and are proportionately often addressed without a hearing.

Employment Judge JM Wade

3 September 2020