



EMPLOYMENT TRIBUNALS

Claimant: Mr Thomas O'Brien

Respondent: Scentomatic (T/A Bloom Perfumery)

Heard at: London Central (Remotely by CVP)

On: 19, 20 and 21 April 2021

Before: Employment Judge Heath (sitting alone)

Representation

Claimant: Mr Tom Emslie-Smith (Counsel)

Respondent: Ms Lorraine Aboagye (Counsel)

JUDGMENT

1. The Claimant's claim for unfair dismissal succeeds.
2. No reduction in compensation is made pursuant to *Polkey v A E Dayton Services Ltd* [1987] IRLR 503.
3. No reduction is made to the Claimant's basic and compensatory awards on the basis of contributory fault.
4. The Claimant's claim for wrongful dismissal succeeds.
5. The Claimant's claims for unlawful deductions from wages are dismissed on their withdrawal.
6. The claimant is entitled to the following sums in compensation for unfair dismissal (no separate award is made for wrongful dismissal): -

a. Basic award	£800
b. Compensatory award	
<u>Prescribed element</u>	
Net loss of wages 34.5 weeks at £331.20	£11,426.40
20% uplift under s. 124A ERA 1996	£2,285.28
Adjusted compensatory award	£13,711.68

c. Loss of statutory protection

£500

d. Total award

£15,011.68

Note: This has been a remote hearing. The parties did not object to the case being heard remotely. The form of remote hearing was [V – video, conducted using Cloud Video Platform (CVP)]. It was not practicable to hold a face to face hearing because of the COVID-19 pandemic.

Employment Judge **Heath**

Date 21/4/21

JUDGMENT SENT TO THE PARTIES ON

22/04/2021.

FOR THE TRIBUNAL OFFICE

Notes

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 decisions

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.