



EMPLOYMENT TRIBUNALS

Claimants: Mr S Burgoyne
Mr C Lyons

Respondent: Rowland Scaffold Co Limited

HELD at Sheffield

ON: 1 June 2021

BEFORE: Employment Judge Little

REPRESENTATION:

Claimants – attendance excused at their request

Respondent: No response presented – no attendance

JUDGMENT

My Judgment is that:-

Mr S Burgoyne's claim

1. The complaint of wrongful dismissal succeeds and the claimant is awarded damages representing two weeks' notice pay in the amount of £1152.
2. The unauthorised deduction from wages complaint also succeeds and the claimant is awarded the sum of £345.60 in respect of not being paid for the last three Fridays of the employment and a further payment of £140 in respect of the deduction for the cost of PPE.
3. Accordingly the total award to this claimant is £1637.60 and the respondent must pay that to him forthwith.

Mr Lyons' claim

4. The complaint of wrongful dismissal succeeds and the claimant is awarded damages representing two weeks' notice pay in the amount of £960.

5. The unauthorised deduction from wages complaint also succeeds and the claimant is awarded the sum of £288 in respect of not being paid for the last three Fridays of the employment and a further payment of £140 in respect of the deduction for the cost of PPE.
6. Accordingly the total award to this claimant is £1388 and the respondent must pay that to him forthwith.

REASONS

1. I am satisfied that the claims of Mr Burgoyne and Mr Lyons were duly served on the respondent at its registered office. Should there be any doubt that the respondent was aware of these proceedings I note that the Tribunal has sent further documentation about this case to the respondent - for instance on 26 January 2021 a copy of the Judgment which in each of the cases dismissed their complaints of unfair dismissal. In addition on 26 January 2021 the Tribunal wrote to the claimants copying in the respondent, explaining that the respondent had failed to present a response and that the Tribunal was considering issuing a Judgment without the need for a hearing.
2. Nevertheless the respondent has failed to present a response to these claims. In those circumstances under the Employment Tribunals Rules of Procedure 2013, Rule 21 it is permissible for the Tribunal to give Judgment without the need for a hearing. Nevertheless, these claims had been listed for a hearing although it was envisaged that only the claimants would attend. In the event the claimants contacted the Tribunal indicating that they had now obtained fresh employment and would prefer not to attend the hearing if possible. In those circumstances and because the claimants had already provided the necessary information, I excused their attendance.
3. The claimants had provided that additional information in their emails to the Tribunal of 1 February 2021. I should add that in those emails the claimants referred to holiday pay in addition to their notice and wages. The claimants had not however brought a complaint in respect of holiday pay and that is why this is not reflected in the Judgment set out above.

Employment Judge Little
Date 2nd June 2021