



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Ross

**Respondent:** Stylex Auto Product Limited

**Heard at:** Leeds Employment Tribunal (on the papers)

**On:** 18 June 2021

**Before:** Employment Judge Deeley (sitting alone)

## JUDGMENT

1. Mr Ross' claim for breach of contract (notice pay and benefits) succeeds. Mr Ross' award for breach of contract would exceed £25,000. The Tribunal therefore awards Mr Ross £25,000 which is the maximum that the Tribunal can award for breach of contract.
2. Mr Ross' claim for unauthorised deduction from wages succeeds. Mr Ross is awarded
  - 2.1 £3866.62 (gross) in relation to the underpayment of thirteen days' accrued holiday pay.
  - 2.2 £3039.32 (gross) in relation to the underpayment of ten days' salary.

## NOTES

3. The Tribunal has issued a separate judgment in respect of the complaint of the claimants that the respondent failed to comply with the requirements of s188 of the Trade Union & Labour Relations (Consolidation) Act 1992.
4. I have considered the information and documents provided by the claimant by email to the Tribunal in reaching the Judgment set out above, together with the documentary and oral evidence provided by the other claimants to the multiple claim of Mr Sweeney & Others against the respondent.
5. The claimant's gross notice pay award has been calculated as follows:

£105,000 + £8022 + £3856 + £2698.40 + £600 (12 months' pay plus company car, fuel, medical insurance and mobile phone benefits) less £7273.85 (monies claimed from the insolvency service) = £112,902.55

6. The claimant's total gross award for breach of contract would have been £112,902.55. However, the Tribunal cannot award more than £25,000 for a breach of contract complaint. Mr Ross is therefore awarded £25,000 in respect of his breach of contract complaints.
7. The claimant's holiday pay underpayment has been calculated as follows:  
  
13 days' holiday accrued (£5250.05 gross) less £1383.43 (monies claimed from the insolvency service)
8. The claimant's salary underpayment has been calculated as follows:  
  
10 days' wages (£4038.46 gross) less £999.14 (monies claimed from the insolvency service)

## **Useful information**

9. The reasons for this judgment were given to the parties orally during this hearing. Written reasons will not be provided unless a request was made by any party at the hearing or a written request is presented by any party within 14 days of the sending of this written record of the decision.
10. All judgments and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.
11. You can appeal to the Employment Appeal Tribunal if you think a legal mistake was made in an Employment Tribunal decision. There is more information here: <https://www.gov.uk/appeal-employment-appeal-tribunal>

Employment Judge Deeley

**18 June 2021**