



# EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**

**Respondent**

**AND**

Mrs C McClean

Compressortech Limited

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

**HELD AT** Bristol (by video) **ON** 3<sup>rd</sup> and 4<sup>th</sup> June 2021

**EMPLOYMENT JUDGE** A Richardson

### Representation

**For the Claimant:** in person

**For the Respondent:** partial attendance by Mr J McClean, Director

## JUDGMENT

**The judgment of the Tribunal is that**

- (1) The Claimant's claims of unfair dismissal and unlawful deduction from wages are well founded.
- (2) The Respondent is ordered to pay the Claimant the gross sum of **£9,401.43** a breakdown of which is attached as Annex A.
- (3) The claimant must account to HMRC for any tax and National insurance due, if any.

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/employmenttribunal-decisions](http://www.gov.uk/employmenttribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Employment Judge Richardson  
4<sup>th</sup> June 2021

## ANNEX A

The claimant's date of birth is 14.1. 1967

The claimant was employed for 21 years

The claimant was 53 years of age at dismissal

The claimant's gross weekly pay was £230.77

The claimant is entitled to

- 1 week's pay for each full year worked between the ages of 22 and 41 (9 x 1 x 1 week's pay)
- 1.5 week's pay for each full year worked over the age of 41 and 53 (12 x 1.5 = 18 weeks x 1 week's pay)

**BASIC AWARD**

18 weeks X 230.77 =

**£ gross**

**£6,000.00**

**COMPENSATORY AWARD**

There is no prescribed element. Recoupment Regulations do not apply.

***Past lost***

From the date of actual dismissal 1<sup>st</sup> August 2020 to date of judgment 4<sup>th</sup> June 2021, curtailed at 31<sup>st</sup> August 2020 when the claimant could have been dismissed following ACAS disciplinary code of practice.

£768.00

Less income earned in mitigation

£430.00

£338.00

***Future loss***

Nil

***Loss of statutory rights***

£350.00

***Arrears of wages and holiday***

<b><i>pay according to pay slip July 2020</i></b>	<u>£1,294.68</u>	
Sub total	£1982.68	
ACAS Uplift S207A TULR(C)A 1992 of 25% on £1982.68	<u>£495.67</u>	
sub total	£2,478.35	
<b>Failure to provide S1 Employment Rights Act 1996 statement – s38 Employment Act 2002</b>		
4 weeks x 230.77	<u>£923.08</u>	
Total award		<b>£3,401.34</b> -----
<b>GRAND TOTAL</b>		<b>£9,401.43</b> =====