



EMPLOYMENT TRIBUNALS

Claimant: Mr M Foster
Respondent: Jaspers Catering North East Limited (in liquidation)
(trading as Jaspers Catering Services)

Heard at: Newcastle Hearing Centre (by CVP)

On: 11 June 2021

Before: Employment Judge Morris

Representation:

Claimant: in person

Respondent: no representation

JUDGMENT

The Judgment of the Employment Tribunal is as follows:

1. The claimant's complaint that his dismissal by the respondent was unfair contrary to section 94 of the Employment Rights Act 1996 ("the Act") is well-founded in that the reason for his dismissal was either or both that
 - 1.1 he had raised with the respondent health and safety issues in the circumstances envisaged in section 100(1)(c) of the Act, and/or
 - 1.2 he had made a protected disclosure as provided for in section 103A of the Act.
2. In respect of that unfair dismissal, the respondent is ordered to pay to the claimant a compensatory award of compensation of £5,528.
3. The claimant's complaint that he was subjected to detriment by the respondent on the ground that
 - 3.1 he had raised with the respondent health and safety issues in the circumstances envisaged in section 44(1)(c) of the Act, and/or
 - 3.2 he had made a protected disclosure as provided for in section 47B of the Actis well-founded.

4. In respect of being subjected to such detriments, the respondent is ordered to pay to the claimant compensation of £3,231.20.
5. The claimant's complaint that the respondent made an unauthorised deduction from his wages in contravention of Section 13 of the Act is well-founded.
6. In respect of that unauthorised deduction the respondent is ordered to pay to the claimant the amount of that deduction of £103.11.
7. The claimant's complaint that the respondent was in breach of his contract of employment by not giving to him the one week's notice of the termination of his employment to which he was entitled in accordance with Section 86 of the Act is well-founded.
8. In respect of that breach of contract the respondent is ordered to pay to the claimant compensation of £162.
9. The award referred to in paragraph 6 above has been calculated by reference to the claimant's gross pay and should there be any liability to income tax or employee's national insurance contributions in respect of that award, that shall be the liability of the claimant alone. The remainder of awards referred to above have been calculated by reference to the claimant's net pay and, therefore, should there be any liability to income tax or employee's national insurance contributions in respect of those awards, that shall be the liability of the claimant alone.
10. The Recoupment Regulations do not apply to any of the above awards.
11. Any contract claim brought by the respondent pursuant to article 4 of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 is dismissed.

EMPLOYMENT JUDGE MORRIS

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 14 June 2021**

Note

Reasons for the above Judgment having been given orally at the hearing, and no request having been made at the hearing, written reasons will not be provided unless a written request is presented within 14 days of the sending of this written record of the Judgment.

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.