



EMPLOYMENT TRIBUNALS

Claimants: (1) Mr Coong Sang Chau
(2) Mr Yuan Jie Lin
(3) Ms Yu Lightbown

Respondents: (1) Lotus Afloat Ltd
(2) Mr Kastor Zhang

Heard at: East London Hearing Centre

On: 19 July 2021

Before: Employment Judge Jones

Representation

Claimants: Ms Lightbown was represented by Mr J Oliver (pro bono)
Mr Lin in person (assisted by Ping Wang, Mandarin interpreter)
Mr Chau, represented by his son, Mr Kin

Respondents: no attendance or appearance

REMEDY JUDGMENT

By a judgment dated 8 March 2021, all three claimants were successful in their complaints of unfair and wrongful dismissal against both respondents.

All three claimants' complaints of a failure to pay notice pay succeeds.

Mr Chau's and Mr Lin's complaints of a failure to pay holiday pay succeed.

Ms Lightbown's complaints of a failure to provide written reasons for dismissal succeeds.

The respondents failed to provide all three claimants with written terms and conditions of employment. Each claimant is awarded 4 weeks wages under section 38 of the Employment Act 2002.

The respondents are ORDERED to pay each claimant the following remedy:

Yu Lightbown

Period of service: 14 March 2016 – 30 November 2020 (4 Years)

Net weekly basic pay: £167.36 (Gross £170.00)

Age at termination: 40 years old

Unfair Dismissal/Redundancy:

Basic Award: 4 weeks' pay for 4 years' service x £170pw = £680

Compensatory award:

- loss of wages 8 weeks (27.11.20 – 26.1.21) x £167.36 = £1,338.88

-Loss of statutory rights = £500.00

Wrongful dismissal (notice pay) 30.10.20 – 27.11.20 = £669.44

Loss of wages: 30.09.20 – 30.10.20 = £669.44

Holiday pay (79 hours x £8.37ph) = £665.42

**Failure to provide a statement of terms and conditions (section 1
Employment Rights Act 1996 and section 38 Employment Act 2002)**

4 x £170 = £680.00

**Failure to provide written statement of reasons for dismissal 2 x £170 =
£340.00**

**Total amount = £340.00 + £680 + £665.42 + £669.44 + £669.44 + £500 +
£1,338.88 = £5,543.18.**

**The respondents are to pay the claimant Ms Yu Lightbown the sum of
£5,543.18 for her successful claim.**

Mr Yu Jie Lin

Period of service: 22 March 2017 – 30 September 2020 (3 years)

Net weekly pay: £450.00

Age at termination: 38 years old

Unfair Dismissal/Redundancy:

Basic Award: 3 (1 weeks' pay for each year of service) x £450.00 = £1,350

Loss of statutory rights: £500

Failure to provide a statement of terms and conditions (section 1 Employment Rights Act 1996 and section 38 Employment Act 2002) 4 x £450 = £1,800

Holiday pay 20 days = £1,950

Notice pay 3 weeks pay = 3 x £450 = £1,350

Total amount due to claimant: £1,350 + £500 + £1,800 + £1,950 + £1,350 = £6,950

The claimant gives credit for the sum of £1,350.00 already received from Mr Zhang, the second respondent.

The respondents are ORDERED to pay the claimant, Mr Yuan Jie Lin the sum of £5,600 for his successful claim.

Coong Sang Chau

Period of service: 2 February 2013 – 30 September 2020 (7 Years)

Weekly pay: £150

Age at termination: 65 years old

Unfair Dismissal/Redundancy:

Basic Award: 1.5 weeks' pay for every year over 41 years of age x 7 years' service x £150pw = £1,575.00

Holiday pay: 75 hours accrued but untaken @ rate of £8.33ph = £624.75

Wrongful dismissal/Notice pay: 7 x £150.00 = £1,050.00

Failure to provide a statement of terms and conditions (section 1 Employment Rights Act 1996 and section 38 Employment Act 2002)

7 x £150 = £1,050.00

Total amount due to claimant = £1,575.00 + £1,050.00 + £624.75 + 1,050.00 = £4,299.75.

The claimant gives credit for the sum of £1,350.00 received from Mr Zhang, the second respondent, on 7 January 2021

The respondents are ORDERED to pay Mr Coong Sang Chau the sum of £2,949.75 for his successful claim.

The respondents are therefore ORDERED to pay: -

Ms Yu Lightbown £5,543.18

Case Numbers: 3213395/2020
3219991/2020 & 3220496/2020

Mr Yuan Jie Lin £5,600

Mr Coong Sang Chau £2,949.75.

Employment Judge Jones
Date: 19 July 2021