



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr H Singh

**Respondent:** Medina Stores Limited

**Heard at:** Leeds by CVP **On:** 18 August 2021

**Before:** Employment Judge Tegerdine

## Representation

Claimant: In person

Respondent: Mr W Hussain (director)

# JUDGMENT ON REMEDY

At a hearing on 12 August 2021 the Tribunal found that:

1. The claimant was unfairly dismissed.
2. The respondent made an unauthorised deduction from wages by failing to pay the claimant in lieu of 18.5 hours' accrued but untaken holiday.
3. The respondent was in breach of contract by dismissing the claimant without notice.

The Tribunal also decided at that hearing that:

1. It is just and equitable under section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 to increase the claimant's compensation for unfair dismissal and damages for breach of contract by 15% because of the respondent's unreasonable failure to comply with the Acas Code of Practice on Disciplinary and Grievance Procedures.
2. The claimant must be awarded 2 week's pay under section 38 of the Employment Act 2002, because the respondent failed to provide to the claimant with a statement of particulars of employment under section 1 of the Employment Rights Act 1996.

The Tribunal now makes the following awards in respect of the claimant's claims.

The judgment of the Employment Tribunal is that the respondent is ordered to pay to the claimant:

1. A sum of £74.18 being damages for breach of contract;

2. Compensation of £973.13 for unfair dismissal;
3. A sum of £119.33 in lieu of 18.5 hours' accrued but untaken holiday; and
4. A sum of £129.00 in respect of the respondent's failure to provide the claimant with a statement of particulars of employment.

The total gross sum due to the claimant is therefore **£1,295.64**.

The respondent is ordered to pay the sums due to the claimant on or before 1 September 2021.

A schedule with sets out how the sums which are due to the claimant have been calculated is attached.

SCHEDULE – CALCULATION OF AWARDS

(1) Breach of contract

The claimant was dismissed without notice on 14 February 2021.

The claimant's hourly rate of pay as at the termination date was £6.45.

The claimant's normal working hours as at the termination date were 10 hours per week.

Claimant's normal weekly pay as at the termination date was £64.50 per week.

The claimant was entitled to 1 week's notice.

1 week x £64.50 = £64.50

Uplift of 15% in respect of failure to follow the Acas Code = £9.68

Total damages for breach of contract = £74.18

(2) Unfair dismissal

*Basic award*

The claimant is not entitled to a basic award, as he was employed for less than 1 year.

The basic award is therefore zero.

*Compensatory award*

The claimant started a new job on 23 May 2021, so is claiming compensation for loss of wages between 21 February 2021 and 22 May 2021.

The claimant was paid the National Minimum Wage (NMW).

The applicable rate of the NMW up to 31 March 2021 was £6.45 per hour. The claimant's normal weekly pay up to 31 March 2021 would therefore have been £64.50.

The applicable rate of the NMW from 1 April 2021 onwards was £6.56 per hour. The claimant's normal weekly pay from 1 April 2021 onwards would therefore have been £65.60.

21 February – 3 April 2021 = 6 weeks.

6 weeks x £64.50 per week = £387.00

4 April – 22 May 2021 = 7 weeks.

7 weeks x 65.60 per week = £459.00

Total loss of wages = £846.20

Uplift of 15% in respect of failure to follow the Acas Code = £126.93

Total compensatory award = £973.13

(3) Unlawful deduction from wages

The claimant was entitled to a payment in lieu of 18.5 hours accrued but untaken holiday.

The claimant's hourly rate of pay as at the termination date was £6.45 per hour.

18.5 hours x £6.45 = £119.33.

Total holiday pay owed = £119.33

(4) Failure to provide a statement of particulars of employment

The claimant is entitled to an award of 2 weeks' pay.

The claimant's normal weekly pay as at the termination date was £64.50.

2 weeks x £64.50 = £129.00

Total award = £129.00

**The total sum due to the claimant is £1,295.64.**

Employment Judge Tegerdine

Date 18 August 2021