



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R Marshall

**Respondent:** PGI Seating Solutions Ltd (In voluntary liquidation)

**Heard at:** Manchester **On:** 15 September 2021

**Before:** Employment Judge Ord

**Representation:**

Claimant: In person  
Respondent: Not attending

## JUDGMENT

1. The claimant's complaint that he suffered a detriment due to exercising his rights under the Public Interest Disclosure Act is not well-founded and is dismissed.
2. The Tribunal does not have jurisdiction to hear the claimant's personal injury claim, which is dismissed.
3. The claimant is entitled to a redundancy payment of £7,263.00. The respondent is ordered to pay to the claimant the sum of £7,263.00, being 9 weeks gross salary capped at £538.00 per week and multiplied by 1.5 (9 x 1.5 x £538).
4. The respondent was in breach of contract by dismissing the claimant without giving him 9 weeks' notice. The respondent is ordered to pay the claimant damages in the gross sum of £5,715.00 being 9 weeks gross salary (9 x £560.00 = £5,040.00) and 9 weeks employer's pension contributions (9 x £75.00 = £675.00) subject to such deductions as it is required to make for tax and national insurance.
5. The claimant's complaint of unfair dismissal succeeds. However, no award is made for the following reasons:
  - 1) The Basic Award is reduced to nil as the claimant's redundancy payment, which is of equal amount, must be deducted from the Basic Award (£7,263.00 - £7,263.00 = 0).
  - 2) The Compensatory Award is also reduced to nil. The claimant would

**Case No:2401514/2021**

have been made redundant in any event in mid-February 2021 when the respondent went into liquidation. He is accordingly entitled to 6 weeks net pay of £2,688.00 (6 x £448.00) and 6 weeks employer's pension contribution of £450.00 (6 x £75.00), totalling £3,138.00. For calculation purposes, the compensatory period immediately follows the 9 weeks' notice period to avoid double compensating, which means the compensatory period is between 5.3.2021 and 16.4.2021. During this period the claimant earned seven weeks' net earnings in the sum of £4,256.00 (7 x £608.00). This sum must be deducted from the compensatory award of £3,138.00, bringing the total to zero.

- 3) As no Compensatory Award is made, The Employment Protection (Recoupment for Jobseeker's Allowance and Income Support) Regulations 1996 do not apply.
  
6. The claimant's complaint of unlawful deduction from wages succeeds. The respondent unlawfully deducted the gross sum of £735.00 in respect of overtime payments, £300.00 in respect of bonus payments, and £392.00 in respect of holiday pay. Accordingly, the respondent is ordered to pay the claimant the gross sum of £1,427.00 subject to such deductions as it is required to make for tax and national insurance.

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Employment Judge Liz Ord  
Date 6 October 2021

JUDGMENT SENT TO THE PARTIES ON  
14 October 2021

FOR THE TRIBUNAL OFFICE

Notes

1. Neither party objected to the hearing taking place on a remote video platform.
2. 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. If written reasons are provided, they will be displayed on the tribunal's online register of judgments, which is visible to internet searches.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2401514/2021**

Name of case: **Mr R Marshall** v **PGI Seating Solutions Ltd**  
**(in voluntary liquidation)**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant judgment day" is: 14 October 2021

"the calculation day" is: 15 October 2021

"the stipulated rate of interest" is: **8%**

Mr S Artingstall  
For the Employment Tribunal Office

## INTEREST ON TRIBUNAL AWARDS

### **GUIDANCE NOTE**

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at [www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](http://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".
3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.
4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).
5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.
6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.