



EMPLOYMENT TRIBUNALS

Claimant: Mr J Robinson

Respondent: Empire Elevators Ltd

HELD AT: Leeds by CVP

ON: 29 September
2021

BEFORE: Employment Judge Moss

REPRESENTATION:

Claimant: In person

Respondent: Mr D Baker (Director)

JUDGMENT

1. The Claimant's claim of unfair dismissal is well founded and succeeds. The Respondent is ordered to pay to the Claimant compensation for unfair dismissal in the sum of £5434.36, comprising a basic award of £540 and a compensatory award of £4894.36. The compensatory award consists of £3949.02 for loss of earnings, £140.40 for loss of pension, £360 for loss of statutory rights and a 10% uplift for the Respondent's failure to follow the ACAS Code of Practice on disciplinary and grievance procedures of £444.94.
2. The Respondent was in breach of its duty to provide the Claimant with a written statement of particulars of employment pursuant to Section 1(1) of the Employment Rights Act 1996. The Respondent is ordered to pay an additional £720 (2 weeks' pay) to the Claimant pursuant to Section 38 of the Employment Act 2002.
3. Recoupment may apply to this award. For the purposes of Regulation 4 of the Employment Protection (Recoupment of Benefits) Regulations 1996 (SI 1996/2349) the Prescribed Element is £3949.02; the Prescribed Period is 15

October 2020 to 4 January 2021; the total monetary award is £6154.36; the excess of the total monetary award over the Prescribed Element is £2205.34.

4. The Claimant was wrongfully dismissed. The Claimant was entitled to 3 weeks' notice but the Tribunal makes no separate award of damages because of the principle against double recovery.
5. The Claimant's claim for compensation in respect of accrued but untaken annual leave (holiday pay) is dismissed upon withdrawal by him.
6. The Claimant's claim for arrears of pay is dismissed upon withdrawal by him.

Note: This has been a remote hearing. The parties did not object to the case being heard remotely. The form of remote hearing was V - video. It was not practicable to hold a face to face hearing because of the Covid19 pandemic and all issues could be determined in a remote hearing.

Employment Judge Moss

Date: 10 October 2021