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EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4107813/2020

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Hearing Held in Glasgow by Cloud Video Platform CVP) on 06 and 07 July
2021

Employment Judge B Beyzade

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Mr Joseph Grady

**Claimant
In Person**

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Strathclyde Catering Limited

**Respondent
Represented by:
Charles Jones,
Operations Director**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

1. The judgment of the Tribunal is that:

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1.1. the claimant was unfairly dismissed by the respondent, and the respondent shall pay the claimant the sum of ONE THOUSAND, EIGHT HUNDRED AND FORTY-FIVE POUNDS AND NINETY PENCE (£1845.90) by way of compensation;

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1.2. The *Employment Protection (Recoupment of Jobseekers Allowance and Income Support and Universal Credit) Regulations 1996* apply to this award. The prescribed element of the award is £869.58 (EIGHT HUNDRED AND SIXTY-NINE POUNDS AND FIFTY-EIGHT PENCE)

and relates to the period from 1 February 2021 to 30 April 2021. The monetary award exceeds the prescribed element by £88.52 (EIGHTY-EIGHT POUNDS AND FIFTY-TWO PENCE).

5 1.3. the respondent was in breach of contract by failing to give the claimant notice of termination of employment and the respondent is ordered to pay the claimant the sum of £1067.31 [ONE THOUSAND AND SIXTY- SEVEN POUNDS AND THIRTY-ONE PENCE] (gross) from which tax and national insurance requires to be deducted, provided that the respondent intimates any such deductions in writing to the claimant and remits the sum deducted to Her Majesty's Revenue and Customs as damages for the said breach;

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1.4. the respondent was in breach of contract by failing to pay the claimant 10 days annual leave in respect of the 1 January – 31 December 2020 leave year and the respondent is ordered to pay the claimant the sum of £784.80 [SEVEN HUNDRED AND EIGHTY FOUR POUNDS AND EIGHTY PENCE] (gross) from which tax and national insurance requires to be deducted, provided that the respondent intimates any such deductions in writing to the claimant and remits the sum deducted to Her Majesty's Revenue and Customs as damages for the said breach;

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1.5. The claimant's complaint of unlawful deduction from wages (holiday pay in respect of annual leave year 1 January – 31 December 2019) is not well-founded and is dismissed;

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1.6. the respondent was in breach of contract by failing to pay the claimant's employer's pension contributions in respect of the period between 1 March – 23 October 2020 leave year and the respondent is ordered to pay the claimant the sum of £259.69 [TWO HUNDRED AND FIFTY NINE POUNDS AND SIXTY NINE PENCE] (gross) from which tax and national insurance requires to be deducted, provided that the respondent intimates any such deductions in writing to the claimant and remits the sum deducted to Her Majesty's Revenue and Customs as damages for the said breach. The claimant's claim in respect of his employer's pension contributions payable by the respondent

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during the period between 02 May 2017 – 29 February 2020 is not well-founded and is dismissed;

- 5 1.7. The claimant's complaint of unlawful deduction from wages (not being paid the correct furlough pay) is not well-founded and is dismissed;

REASONS

- 10 1. Oral reasons were given for this judgment at the end of the hearing held via Cloud Video Platform (CVP) hearing.

CASE MANAGEMENT ORDERS

- 15 1. The claimant intimated he wishes to make an application for an expenses order. Due to insufficient time to deal with the claimant's application today, the claimant is directed to make any application for expenses in writing by no later than 4.00pm on 21 July 2021, following which further directions will be made.

I confirm that this is my judgment in the case of Mr Joseph Grady v Strathclyde Catering Limited Case No 4107813/2020 and that I have signed the order by electronic signature.

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Employment Judge: B Beyzade
Date of Judgment: 7 July 2021
Entered in register: 21 July 2021
and copied to parties

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Note - 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.

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