



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr S O'Brien  
**Respondent:** Pride Scaffolding Ltd  
**Heard at:** East London Hearing Centre  
**On:** 14 January 2022  
**Before:** Employment Judge Burgher

## Appearances

**For the Claimant:** In person  
**For the Respondent:** Did not attend

*This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was A by telephone conference call. A face to face hearing was not held because the relevant matters could be determined in a remote hearing.*

## RECONSIDERATION REMEDY JUDGMENT

1. The Respondent is ordered to pay the Claimant the total sum of **£23,284.54** in respect of his claims. This consists of:
  - 1.1 **£21,201.84** for unfair dismissal
  - 1.2 **£2,082.70** for wrongful dismissal.
  
2. The recoupment provisions apply

**Prescribed period 17/01/2020 to 23/02/2021**

**Compensation cap not applied**

Total award	£23,284.54
Prescribed element	£17,549.44
Balance	£ 5,735.10

## CALCULATION BREAKDOWN

### 1. Details

Date of birth of claimant	22/10/1958
Date started employment	07/01/2014
Effective Date of Termination	12/12/2019
Period of continuous service (years)	5
Age at Effective Date of Termination	61
Date new equivalent job started or expected to start	29/07/2020
Remedy hearing date	14/01/2022
Date by which employer should no longer be liable	29/07/2020
Contractual notice period (weeks)	5
Statutory notice period (weeks)	5
Net weekly pay at EDT	416.54
Gross weekly pay at EDT	537.00
Gross annual pay at EDT	27,924.00

### 2. Basic award

Basic award	3,937.50
Number of qualifying weeks (7.5) x Gross weekly pay (525.00)	
<b>Total basic award</b>	<b>3,937.50</b>

### 3. Damages for wrongful dismissal

Loss of earnings	2,082.70
Damages period (5) x Net weekly pay (416.54)	
<b>Total damages</b>	<b>2,082.70</b>

### 4. Compensatory award (immediate loss)

Loss of net earnings	11,621.47
Number of weeks (27.9) x Net weekly pay (416.54)	
Plus loss of statutory rights	350.00
Plus loss of commission and/or bonus	1,000.00
<b>Total compensation (immediate loss)</b>	<b>12,971.47</b>

### 5. Adjustments to total compensatory award

Plus failure by employer to follow statutory procedures @ 25%	3,242.87
<b>Compensatory award before adjustments</b>	<b>12,971.47</b>

<b>Total adjustments to the compensatory award</b>	<b>3,242.87</b>
<b>Compensatory award after adjustments</b>	<b>16,214.34</b>

**6. Failure to provide written particulars**

Number of weeks (2) x Gross weekly pay (525.00)	1,050.00
<b>Total</b>	<b>1,050.00</b>

**7. Summary totals**

Basic award	3,937.50
Wrongful dismissal	2,082.70
Compensation award including statutory rights	17,264.34
<b>Total</b>	<b>23,284.54</b>

<b>AFTER COMPENSATION CAP OF £27,924.00 (GROSS ANNUAL PAY)</b>	<b>23,284.54</b>
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8 The recoupment provisions apply to the award.

Prescribed period 17/01/2020 to 12/02/2022

Compensation cap not applied

Total award	£23,284.54
Prescribed element	£17,549.44
Balance	£5735.10

Employment Judge Burgher

14 January 2022