



**EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4121425/2018**

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**Held in Glasgow on 12 November 2019**

**Employment Judge: Rory McPherson**

10 **Miss Chloe Gates**

**Claimant  
Represented by:  
Miss E Crawley -  
Representative**

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**Hyde n Seek (Pinochios) Ltd**

**Respondent  
No appearance and  
No representation**

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**JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

The judgment of the Employment Tribunal is that:

- 25 (1) the claimant's claims for; unfair dismissal in terms of s103A and 104(1) and s104A of Employment Rights Act 1996 (ERA 1996); and detriment for making a protected disclosure in terms of ss47B of ERA 1996 and loss in terms of s49(2) and s149(2) of ERA 1996 and further for detriment in terms of s23(1) of National Minimum Wages Act 1988; and the respondent's failure to pay minimum wage for modern apprentice in terms of s 4A(1)(d), s5(2)(b) of the  
30 National Minimum Wages Regs 2015 and s17 of the National Minimum Wages Act 1988; and for breach of contract in terms of Employment Tribunals Extension for Jurisdiction (Scotland) Order 1994; and for past wage loss and unlawful deduction of wages, including notice pay in terms of s13 and s 23(1) of ERA 1996; and the respondent's failure to provide wages slips in terms of  
35 s8 ERA 1996; and the respondent's failure to provide rest breaks and working hours for a young person in terms of reg 12 of the Working Time Regulations

**E.T. Z4 (WR)**

1988; and the respondent's failure to provide contract of employment in terms of s1 to 4 of ERA 1996; and for holiday pay in terms of s13(3) of ERA 1996; and the respondent's failure to comply with ACAS code of practice in terms of s207 of the Trade Union and Labour Relations (Consolidation) Act 1992, all  
5 succeed; and

(2) the respondent is ordered to pay the claimant, the monetary compensatory award of **TWO THOUSAND EIGHT HUNDRED AND THIRTY-NINE POUNDS AND THIRTY-SIX PENCE (£2,839.36)** in respect of past wage loss of £1,221.00; unlawful deduction of wages in the sum of £867.34, holiday pay  
10 1883.15 and uplift of 25%; and the monetary compensatory award of **FOUR THOUSAND SIX HUNDRED POUNDS (£4,600)** in respect of injury to feelings. As there is no prescribed element those sums are payable immediately to the claimant.

#### REASONS

15 Oral reasons were given at the hearing.

Employment Judge: R McPherson  
Date of Judgment: 12 November 2019  
20 Entered in register: 14 November 2019  
and copied to parties

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30 / confirm that this is my judgment or order in the case of Gates v Hyde n Seek (Pinochios) Ltd 4121425/2018 and that I have signed the Judgment by electronic signature.