



EMPLOYMENT TRIBUNALS

Claimant: Mr K O'Callaghan
Respondent: Mersey Docks and Harbour Company Limited
Heard at: Liverpool
On: 2 and 3 September 2021
Before: Employment Judge Horne

REPRESENTATION:

Claimant: Mr P Smith, counsel
Respondents: Mr S Peacock, solicitor

JUDGMENT

1. The respondent breached the claimant's contract of employment by failing to give notice of termination.
2. The claimant was unfairly dismissed.
3. Any compensatory award for unfair dismissal will be assessed on the basis that, had the respondent acted fairly:
 - (a) the claimant would inevitably have been dismissed, but with notice; and
 - (b) notice of termination would have been given two working days later than the claimant was actually dismissed.
4. Any basic award for unfair dismissal will be reduced by 25% on the ground that, before his dismissal:
 - (a) the claimant engaged in blameworthy conduct on 24 February 2020; but

(b) the claimant did not engage in any blameworthy conduct leading to his final written warning.

5. No separate reduction for contributory conduct will be made to any compensatory award for unfair dismissal.

Employment Judge Horne
3 September 2021

SENT TO THE PARTIES ON
28 September 2021

FOR THE TRIBUNAL OFFICE

Notes:

1. This judgment follows a hearing on a remote video platform. Neither party objected to the format of the hearing.
2. Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date when this judgment is sent to the parties. If written reasons are provided, they will be published on the tribunal's online register, which is visible to internet searches.