



EMPLOYMENT TRIBUNALS

Claimant: Mr John Sissons
First Respondent: Stelco Europa Ltd (In liquidation)
Second Respondent: The Secretary of State for Business Energy and Industrial Strategy

Heard at: Nottingham (in public; via CVP) **On:** 22 March 2022

Before: Employment Judge Millns (sitting alone)

Appearances

For the Claimant: Mr Andrew Scott, counsel

For the First Respondent: No appearance

For the Second Respondent: No appearance (written submissions provided)

No response to the claim has been presented by the First Respondent. Judgment against the First Respondent is therefore entered under Rule 21 of the Employment Tribunal Rules 2013.

A response was entered by the Second Respondent in which it was requested that, pursuant to Rule 42 of the Employment Tribunal Rules 2013, the contents of the Second Respondent's ET3 was considered at a hearing as its written submissions. The Tribunal accepted that request and duly considered the contents of the Second Respondents ET3 in making its decision.

JUDGMENT

1. The Claimant's complaint under s. 166 of the Employment Rights Act 1996 for a statutory redundancy payment succeeds in the sum of **£13,872** against the Second Respondent.
2. The First Respondent has made unauthorised deduction from the Claimant's wages in the sum of **£11,250** (gross) AND The Claimant's complaint under s.188 of the Employment Rights Act 1996 succeeds. As such, subject to appropriate deductions for tax and national insurance:
 - i. The Second Respondent shall pay the Claimant the sum of **£4352**.
 - ii. The First Respondent shall pay the Claimant the sum of **£6898**.
3. The First Respondent has failed to pay holiday pay to the Claimant in the sum of **£10,250.01** (gross) AND The Claimant's complaint under s.188 of the Employment Rights Act 1996 succeeds. As such, subject to appropriate deductions for tax and national insurance:
 - i. The Second Respondent shall pay the Claimant the sum of **£3264**.
 - ii. The First Respondent shall pay the Claimant the sum of **£6986.01**.
4. The First Respondent was in breach of contract by failing to pay employer pension contributions and shall pay the Claimant the sum of **£337.50**.
5. The claim brought against the Second Respondent under Section 123-125 of the Pensions Scheme Act 1993 is dismissed upon withdrawal by the Claimant.
6. The First Respondent breached the Claimant's contract by dismissing him without notice AND The Claimant ought to have been paid notice pay in the sum of **£10, 676.52 (net)** AND The Claimant's complaint under s.188 of the Employment Rights Act 1996 succeeds. As such:
 - i. The Second Respondent shall pay the Claimant the sum of **£4704**.
 - ii. The First Respondent shall pay the Claimant the sum of **£5972.52**.
7. The First Respondent unreasonably failed to follow the ACAS code and shall pay a 25% uplift on both its liability to pay authorised deduction from wages (£6898) and its liability to pay holiday pay (£6986.01) to the Claimant. That sum is assessed at **£3,471**.

Employment Judge Millns

Date: 22 March 2022

Sent to the parties on:

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For the Tribunal:
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Notes:

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.

Public access to employment tribunal decisions Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the Claimant(s) and Respondent(s) in a case.