



EMPLOYMENT TRIBUNALS

Claimant:
Mr E Horta v

Respondent:
Playworks Limited

Heard at: Manchester

On: 7 June 2022 (paper only)

Before: Employment Judge Malik

REMEDY HEARING JUDGMENT

1. Following a hearing on liability on 16 March 2022 the case was listed on 7 June for a paper only remedy hearing.
2. The claimant provided the Tribunal with further information (in writing) in response to a Case Management Order dated 12 April 2022.
3. On review of the additional papers, the judgment of the Tribunal is that the respondent shall pay to the claimant compensation for his complaints of unfair dismissal and holiday pay in the total sum of **£2232.74** calculated as follows:

Unfair dismissal

- a. Basic award for 11 years completed service from age of 25 to 37 years and applying an average week's pay of £72.54 ($1 \times £72.54 \times 11$) = **£797.94**
- b. Immediate loss of earnings from effective date of termination on 5 April 2021 for 6 weeks applying net average pay of £53.81 ($6 \times £53.81$) = **£322.86**
- c. Loss of statutory rights = **£500**
- d. Uplift to compensatory award of 25% reflecting respondent's total failure to comply with the ACAS Code of Practice relating to disciplinary and grievance procedures ($£322.86 + £500 \times 25\%$) = **£205.72**
- e. Total for compensatory award is the sum of 3b, 3c and 3d = **£1028.58**.

- f. Subtotal for unfair dismissal = (Basic award £797.94 plus total of Compensatory award £1028.58) = **£1826.52**

Holiday Pay

- g. The claimant was entitled to 5.6 weeks annual leave each year and did not take any leave in his final year employed by the respondent, (5.6 x £72.54 being an average week's pay) = **£406.22**
- h. Subtotal for holiday pay = **£ 406.22**

Total of unfair dismissal and holiday pay

- i. Total of Unfair dismissal and holiday is **£2232.74**

The Recoupment Regulations do not apply to this judgment and award of compensation.

Employment Judge Malik

26 July 2022

Sent to the parties on:

27 July 2022

For the Tribunal Office:



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2414439/2021**

Name of case: **Mr E Horta** v **Playworks Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant judgment day" is: 27 July 2022

"the calculation day" is: 28 July 2022

"the stipulated rate of interest" is: 8%

For the Employment Tribunal Office