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## **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 2402731/2022**

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**Held in chambers in Glasgow on 15 June 2022**

**Employment Judge Ian McPherson**

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**Mr Steven Sloan**

**Claimant  
Represented by:  
Ms R Kochar**

**GXO Logistics UK Limited**

**Respondents  
No ET3 response**

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# **JUDGMENT**

### **Rule 21 of the Employment Tribunal Rules of Procedure 2013**

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The judgment of the Employment Tribunal is that the claimant`s complaints of unfair dismissal, failure to pay notice pay, and failure to pay holiday pay, all succeed, and the remedy to which the claimant is entitled will be determined at a remedy hearing.

### **REASONS**

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1. By ET1 claim form presented on 21 April 2022, following ACAS early conciliation between 9 and 24 March 2022, the claimant complains of unfair dismissal by the respondents on 15 December 2021, and he also complains that he is owed notice pay and holiday pay. In the event of success with his claim, the claimant reinstatement to his old job as a forklift truck driver, which failing re-engagement to another

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job with the respondents, and he seeks an award of compensation to be made by the Tribunal against the respondents.

5 2. The case was transferred from the Manchester ET to the Glasgow ET on 12 May 2022. A copy of the claim form setting out the claimant`s complaints was sent to the respondents by the Tribunal on 13 May 2022.

10 3. In accordance with the terms of **Rule 16 of the Rules to be found in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013** the respondents were required to enter a response within twenty-eight days of the date on which a copy of the claim was sent to them by post, but they failed to do so, by the due date of 10 June 2022, or at all.

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4. The Employment Judge decided that on the available material a determination could properly be made without a hearing as to the liability of the respondents for the complaint of unfair dismissal, as also the complaints of failure to pay notice pay and holiday pay.

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5. The remedy to which the claimant is entitled for those successful complaints will be determined by an Employment Judge at a hearing.

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6. Notice of Remedy Hearing by CVP (time estimate 1 day) will be issued under separate cover. The respondents will be entitled to participate in that Remedy Hearing only to the extent permitted by an Employment Judge.

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7. The respondents will be sent a copy of any judgments, orders, or notices of hearing. If they now seek to defend the claim, then they should make application to the Tribunal for an extension of time to do so, as per **Rule 20 of the Employment Tribunal Rules of Procedure 2013**.

8. Meantime, within 14 days of issue of this Judgment to both parties, the claimant's solicitor shall submit to the Tribunal, with copy to the respondents, a detailed schedule of loss for the claimant, together  
5 with any supporting documentation, including evidence of mitigation of loss, showing the amount of compensation sought from the respondents, for each successful head of complaint, and explaining how those sums have been calculated.

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Employment Judge: Ian McPherson  
Date of Judgment: 15 June 2022  
Entered in register: 17 June 2022  
and copied to parties

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