



5

## EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4101581/2022, 4101666/2022, 4101603/2022 & 4102010/2022

10

Held remotely in the Dundee Employment Tribunal by Cloud Video Platform  
on 11, 12 and 13 October 2022

Employment Judge J Shepherd

15

**Mrs Elaine McKinlay**

**1<sup>st</sup> Claimant  
In person**

**Mrs Catherine Ford**

**2<sup>nd</sup> Claimant  
In person**

20

**Mrs Patricia Shepherd**

**3<sup>rd</sup> Claimant  
In person**

25

**Mr John Paterson Gray**

**1<sup>st</sup> Respondent  
In person**

**A & R Robertson & Black**

**2<sup>nd</sup> Respondent  
Represented by  
John Paterson Gray**

30

**A & R Robertson & Black Ltd**

**3<sup>rd</sup> Respondent  
Represented by  
John Paterson Gray**

35

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

40

The judgment of the Tribunal is as follows (oral reasons having been given at the hearing, in accordance with rule 62(2) of the Employment Rules of Procedure 2013):

1. The claimants were employed by the first respondent, Mr John Paterson Gray.

2. The first respondent, Mr John Paterson Gray, shall pay to the first claimant, Mrs Elaine McKinlay, the following sums:

**2.1 EIGHT HUNDRED AND SEVENTY THREE POUNDS AND SIXTY PENCE (£873.60)** in respect of compensation for breach of contract, namely unpaid notice pay.

**2.2 FIVE HUNDRED AND EIGHT TWO POUNDS AND FORTY PENCE (£582.40)** in respect of unpaid wages, under section 13 of the Employment Rights Act 1996 ('ERA 1996'), less any statutory deductions properly due, provided that the first respondent intimates any such deductions in writing to the claimant and remits the sum deducted to Her Majesty's Revenue and Customs.

**2.3 TWO THOUSAND SEVEN HUNDRED AND THIRTY POUNDS (£2730)** in respect of a redundancy payment pursuant to s.163 ERA 1996.

**2.4 EIGHTEEN POUNDS AND TWENTY PENCE (£18.20)** in respect of accrued but unpaid holiday pay, under section 13 of ERA 1996, less any statutory deductions properly due, provided that the first respondent intimates any such deductions in writing to the claimant and remits the sum deducted to Her Majesty's Revenue and Customs.

**2.5 ONE HUNDRED AND EIGHTY TWO POUNDS (£182)** in respect of an award made pursuant to s.38 Employment Act 2002 for failure to provide a written statement of employment particulars in accordance with s.1 ERA 1996.

3. The first respondent, Mr John Paterson Gray, shall pay to the second claimant, Mrs Catherine Ford, the following sums:

3.1 **FOUR HUNDRED AND THIRTY SIX POUNDS AND EIGHTY PENCE (£436.80)** in respect of compensation for breach of contract, namely unpaid notice pay.

5

3.2 **SIX HUNDRED AND NINETY ONE POUNDS AND SIXTY PENCE (£691.60)** in respect of unpaid wages, under section 13 of the Employment Rights Act 1996 ('ERA 1996'), less any statutory deductions properly due, provided that the first respondent intimates any such deductions in writing to the claimant and remits the sum deducted to Her Majesty's Revenue and Customs.

10

3.3 **EIGHT HUNDRED AND NINETEEN POUNDS (£819)** in respect of a redundancy payment pursuant to s.163 ERA 1996.

15

3.4 **THIRTY POUNDS AND NINETY FOUR PENCE (£30.94)** in respect of accrued but unpaid holiday pay, under section 13 of ERA 1996, less any statutory deductions properly due, provided that the first respondent intimates any such deductions in writing to the claimant and remits the sum deducted to Her Majesty's Revenue and Customs.

20

3.5 **ONE HUNDRED AND EIGHTY TWO POUNDS (£182)** in respect of an award made pursuant to s.38 Employment Act 2002 for failure to provide a written statement of employment particulars in accordance with s.1 ERA 1996.

25

4. The first respondent, Mr John Paterson Gray, shall pay to the third claimant, Mrs Patricia Shepherd, the following sums:

30

3.6 **FOUR HUNDRED AND TWENTY FOUR POUNDS AND NINETY EIGHT PENCE (£424.98)** in respect of compensation for breach of contract, namely unpaid notice pay.

5 3.7 **EIGHT HUNDRED AND FIFTY POUNDS (£850)** in respect of unpaid wages, under section 13 of the Employment Rights Act 1996 ('ERA 1996'), less any statutory deductions properly due, provided that the first respondent intimates any such deductions in writing to the claimant and remits the sum deducted to Her Majesty's Revenue and Customs.

10 3.8 **SIX HUNDRED AND SEVENTY FIVE POUNDS (£675)** in respect of a redundancy payment pursuant to s.163 ERA 1996.

15 3.9 **FIFTY SEVEN POUNDS AND FIFTY PENCE (£57.50)** in respect of accrued but unpaid holiday pay, under section 13 of ERA 1996, less any statutory deductions properly due, provided that the first respondent intimates any such deductions in writing to the claimant and remits the sum deducted to Her Majesty's Revenue and Customs.

20 3.10 **ONE HUNDRED AND FIFTY POUNDS (£150)** in respect of an award made pursuant to s.38 Employment Act 2002 for failure to provide a written statement of employment particulars in accordance with s.1 ERA 1996.

4 The claims against the second and third respondents are dismissed.

25 Employment Judge: J Shepherd  
Date of Judgment: 19<sup>th</sup> October 2022  
Date sent to parties: 20<sup>th</sup> October 2022

30