



EMPLOYMENT TRIBUNALS

Claimant:
Mr A Sharma

v

Respondent:
Hayre Builders Company
Limited

Heard at: Reading

On: 12 December 2022

Before: Employment Judge Hawksworth

Appearances

For the Claimant: In person

For the Respondent: No attendance or representation

JUDGMENT

1. The claimant's claims for unfair dismissal, notice pay, arrears of pay, pay for untaken holiday and unpaid company expenses succeed.
2. The respondent failed to provide the claimant with a statement of employment particulars as required by section 1 of the Employment Rights Act 1996.
3. The respondent unreasonably failed to comply with the Acas Code of Practice on Disciplinary and Grievance Procedures. It is just and equitable to increase the claimant's award by 25%.
4. The claimant's application for costs succeeds.
5. The claimant's claims for a compensatory award for unfair dismissal and for breach of contract in respect of pension contributions are withdrawn. In respect of the compensatory award, the claimant is seeking compensation for those losses in an ongoing personal injury claim. In respect of the lost pension contributions, the claimant has expressed a wish to reserve the right to make a complaint to the Pensions Ombudsman. Rule 52(a) of the Employment Tribunal Rules of Procedures 2013 applies, and no dismissal judgment is issued in respect of these two claims.
6. The claimant's claim for statutory redundancy pay fails because the claimant's role was not redundant. He has been awarded a basic award which is equivalent to a statutory redundancy payment.

7. The respondent is ordered to pay the claimant the sum of £178,199.82. This comprises:
- a. A basic award of £3,808;
 - b. An award of £2,176 in respect of the failure to provide a statement of particulars;
 - c. £4,900 in respect of notice pay;
 - d. £47,124 in respect of unpaid wages for the 2 year period before the claim was presented;
 - e. £7,458.08 in respect of pay for untaken holiday in the 2 year period before the claim was presented;
 - f. £33,268.63 in respect of breach of contract for non-payment of company expenses, capped at £25,000;
 - g. An uplift of 25% for failure to comply with the Acas Code, in the sum of £22,616.52;
 - h. Costs in the sum of £5,130;
 - i. £59,987.22 in respect of tax payable on the award ('grossing up').

Employment Judge Hawksworth

Date: 12 December 2022

Sent to the parties on: 4 January 2023

For the Tribunal Office

Note:

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:

All 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.