



EMPLOYMENT TRIBUNALS

Claimant: Mr P Burton
Respondent: Ocean Design Storage Solutions Limited
Heard at: Birmingham by CVP
On: 9 January 2023
Before: Employment Judge Flood

Representation

Claimant: Mr Mc Nerney (Counsel)
Respondent: Mr M Humphreys (Director)

JUDGMENT

1. Under section 163 Employment Rights Act 1996 it is determined that the claimant is entitled to a redundancy payment in the sum of **£12,926.88**.
2. The complaint of unauthorised deductions from pay contrary to Part II Employment Rights Act 1996 is well-founded. The respondent made an unauthorised deduction from the claimant's pay in respect of the period 1 to 15 March 2022. The respondent is ordered to pay to the claimant the gross sum of **£849.60**. The complaint of unpaid wages in respect of commission is not well founded and is dismissed.
3. The complaint in respect of holiday pay is well-founded. The respondent made an unauthorised deduction from the claimant's pay by failing to pay holiday pay for 32 days accrued but untaken and is ordered to pay the claimant the gross sum of **£2,718.72**.
4. The respondent is ordered to pay the claimant the sum of **£6765.02** as damages for breach of contract which is broken down as follows:

(a) 12 weeks unpaid notice pay	£5248.44
(b) Unpaid expenses	£1201.22
(c) Unpaid employer pension contributions January/February 2022	£290.24
(d) Unpaid employer pension contributions 1-15 March 2022	£25.12
5. The complaint of unfair dismissal under Part X Employment Rights Act 1996 is well-founded. The claimant was unfairly dismissed. The respondent is

ordered to pay the claimant an award of £1274.74 which is broken down as follows:

- (a) No basic award.
 - (b) A compensatory award in the sum of £874.74 to reflect two weeks additional pay and pension contributions that would have been payable during a period of consultation that the respondent failed to carry out
 - (c) £400 loss of statutory rights.
6. The claimant's application for a costs award to be made is dismissed

Employment Judge Flood
Date: 9 January 2023