



EMPLOYMENT TRIBUNALS

Claimant: Mr T Zovko
Respondent: The Hungry Canary Limited
Heard at: East London Hearing Centre
On: 7, 8, 9 February 2023
Before: Employment Judge Byrne

Representation

Claimant: In person
Respondent: Mr G Cornwell (Director of the Respondent)

JUDGMENT

The Tribunal has arrived at the following determinations:

1. The claim for automatically unfair dismissal is well-founded.
2. The claim in respect of holiday pay is well-founded.
3. The claim for an unauthorised deduction from wages is upheld.
4. The claim that there was a failure to give statement of employment particulars is upheld.
5. The claim that there was a failure to provide a statement of changes to employment particulars is upheld.

REMEDY

1. The Claimant is awarded the amount of £2,112 in respect of his claim for automatically unfair dismissal, calculated as follows.

No basic award is payable.

Compensatory award of £2,112:

The Claimant found alternative employment 15 weeks after the date of his dismissal, from when he no longer incurred any further financial loss.

80% (to reflect the terms of the Coronavirus Job Retention Scheme) of 15 weeks' pay between date of dismissal and starting new job.

15 weeks' pay = 15 x £176 (gross weekly pay, which, given applicable tax allowances, is also to be regarded as the net weekly pay) = £2,640.

80% of £2,640 = £2,112

2. **The Claimant is awarded the amount of £1,172.16 in respect of his claims for holiday pay and unauthorised deductions from wages, calculated as follows.**

Duration	05/08/2021 – 06/09/2021	07/09/2021 – 13/01/2021 (18.3 weeks including PILON)
Wage	NMW of £6.45/hour	£5.50
Hours	106 hours	32/week
Gross wage	£683.70	£3,115.20
Holiday pay	£82.53	£388.74
GROSS		£4,270.17
LESS amount that Claimant was paid to date		£3,098.27 = £1,172.16

3. **The Claimant is awarded the amount of £341.85 in respect of his claim for failure to give a statement of employment particulars, calculated as follows.**

2 weeks' pay (26.5 hours @ £6.45) = £341.85

4. **The Claimant is awarded the amount of £352 in respect of his claim for failure to give a statement of changes to employment particulars, calculated as follows.**

2 weeks' pay (32 hours @ £5.50) = £352

Grand total award

The grand total sum **of £3,978.01** is payable to the Claimant by the Respondent forthwith.

Employment Judge Byrne
Dated: 9 February 2023