



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4105250/2022

Held remotely in the Glasgow Employment Tribunal by Cloud Video Platform
on 7 February 2022

5

Employment Judge J Shepherd

Mr S Kouhestani

**Claimant
In Person**

10

IAA Group Ltd

**Respondent
Not present and
Not represented
[No response
entered]**

15

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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):

20

1. The claimant was automatically unfairly dismissed for asserting a statutory right (s.104 Employment Rights Act 1996).
2. The respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures in respect of the claimant's dismissal and it is just and equitable to increase the compensatory award by 20%.
3. The respondent shall pay to the claimant the following sums in respect of compensation for unfair dismissal:
 - a. A basic award in the sum of **TWO HUNDRED AND THIRTY EIGHT POUNDS AND 46 PENCE (£238.46)**

25

30

b. A compensatory award in the sum of **ONE THOUSAND NINE HUNDRED AND FIVE POUNDS AND 29 PENCE (£1905.29)** (inclusive of the 20% uplift)

4. The claimant's complaint in respect of holiday pay accrued but not paid as at
5 the termination of employment was well founded.
5. The respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures in respect of the claimant's grievance regarding annual leave and holiday pay and it is just and equitable to increase the award for unpaid holiday pay by 20%.
- 10 6. The respondent shall pay to the claimant the sum of **TWO THOUSAND THREE HUNDRED AND FORTY POUNDS AND 24 PENCE (£2340.24)** in respect of unpaid holiday pay (inclusive of the 20% uplift), less any statutory deductions properly due, provided that the respondent intimates any such deductions in writing to the claimant and remits the sum deducted to His
15 Majesty's Revenue and Customs.
7. The claimant's application for an expenses order pursuant to r.74 - r.78 of the ETs (Constitution & Rules of Procedure) Regs 2013, Sch 1 is successful. The respondent shall pay to the claimant the sum of **FOUR HUNDRED AND NINETY TWO POUNDS (£492)** in respect of expenses incurred by the
20 claimant

25 **Employment Judge: J Shepherd**
Date of Judgment: 14 February 2023
Entered in register: 17 February 2023
and copied to parties