



# EMPLOYMENT TRIBUNALS

## Claimant

## Respondent

Mr D Benton

v The CGM Group (East Anglia) Limited

**Heard at:** Cambridge

**On:** 27 and 28 April 2023

**Before:** Employment Judge Tynan

**Members:** Mr D Hart and Mr K Rose

## Appearances

**For the Claimant:** Ms S Bewley, Counsel

**For the Respondent:** Mr D Frame, Solicitor

## JUDGMENT

1. The Claimant's complaint that he was unfairly dismissed contrary to section 103A of the Employment Rights Act 1996 is not well-founded and is dismissed.
2. The Claimant's complaint that he was unfairly dismissed contrary to section 104 of the Employment Rights Act 1996 is dismissed on the basis that it is withdrawn by the Claimant.
3. The Respondent dismissed the Claimant in breach of contract by not giving him one week's notice terminating his employment or paying him in lieu thereof.
4. The Claimant's complaint that the Respondent subjected him to detriments on the grounds that he made protected disclosures, in contravention of section 47B of the Employment Rights Act 1996, succeeds. In the event it cannot be resolved by agreement between the parties, the Claimant's final remedy in respect of this complaint shall be determined by the Tribunal on receipt of the parties' further written submissions.

5. Tribunal declares that the Claimant's complaint that the Respondent made unauthorised deductions from his wages is well-founded and the Tribunal orders the Respondent to pay the sum of **£9,789.74** to the Claimant in respect of the deductions.
6. The Claimant's complaints that the Respondent breached Regulations 4(1) and 8 of the Working Time Regulations 1998 are dismissed as the Tribunal has no jurisdiction to consider them.
7. The Claimant's complaints that the Respondent breached Regulations 10(1) and 12 of the Working Time Regulations 1998 are dismissed as the Tribunal has no jurisdiction to consider them, his Claim in respect of them having been presented out of time in circumstances where it was reasonably practicable for the Claim to be presented within the primary time limit applicable to those complaints.
8. The Claimant's complaints that he was directly discriminated against and harassed with reference to the protected characteristic of age contrary to sections 13 and 26 of the Employment Rights Act 1996 are not well-founded and are dismissed.
9. When these proceedings were begun the Respondent was in breach of its duty to the Claimant under section 1(1) of the Employment Rights Act 1996. The Tribunal considers it just and equitable to increase the Claimant's award by the higher amount of 4 weeks' pay (to be calculated in accordance with Chapter 2 of Part 14 of the Employment Rights Act 1996).

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Employment Judge Tynan

Date: 3 May 2023

Sent to the parties on: 6 June 2023

GDJ  
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.