



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 800032/2023

Held in Glasgow on 21 June 2023

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Employment Judge C McManus

Members Ms L Millar and Mr A McFarlane

Mr A Fleming

**Claimant
In person**

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Abbey Metal Ltd

**Respondent
Represented by:
Ms M Jenkins -
Solicitor**

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JUDGEMENT OF THE EMPLOYMENT TRIBUNAL

The unanimous decision of the Employment Tribunal is:-

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1. The claimant's dismissal was an automatic unfair dismissal under section 103A of the Employment Rights Act 1996 (protected disclosure), in respect of disclosures in respect of health and safety, and the claimant's claim in that regard is successful.

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2. The claimant is awarded a basic award of **£399.20** (THREE HUNDRED AND NINETY NINE POUNDS AND TWENTY PENCE) in respect of this automatic unfair dismissal.

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3. The claimant's compensatory award in respect of this unfair dismissal is reduced to nil, on a just and equitable basis, taking into account payments made by the respondent to the claimant in terms of the claimant's successful application for interim relief and payments made under the Order for Continuation of Contract.

4. The respondent failed to provide the claimant with a statement of employment particulars, contrary to section 1 of the Employment Rights Act 1996 and the claimant is awarded the higher amount under section 38 of the Employment Act 2002, being 4 weeks of the claimant's net weekly pay as at the date of termination of employment, which is (4 x £349.26) **£1397.04** (ONE THOUSAND, THREE HUNDRED AND NINETY SEVEN POUNDS AND FOUR PENCE).
5. The respondent failed to provide the claimant with itemised pay slips, as required under section 8 of the Employment Rights Act 1996 and a declaration is hereby made to that effect, under section 12(3) of the Employment Rights Act 1996.

REASONS

Reasons were given orally at the Hearing.

15 **Employment Judge: C McManus**
Date of Judgment: 28 June 2023
Entered in register: 28 June 2023
and copied to parties

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