



EMPLOYMENT TRIBUNALS

Claimant: Mr J Padda

Respondent: Imma Limited

FINAL HEARING

Heard at: East London Hearing Centre (in public by CVP)

On: 4 August 2023

Before: Employment Judge Shore

Appearances

For the claimant: Mr C Ilangaratne, Counsel

For the respondent: No Appearance

JUDGMENT

1. The claimant's claim of unfair dismissal under Part X of the Employment Rights Act 1996 is well-founded and succeeds. The reason for dismissal was redundancy. The effective date of termination was 30 September 2022.
2. For unfair dismissal the respondent shall pay the claimant:
 - 2.1. A basic award calculated as 4 weeks' pay at £461.00 per week multiplied by 1 plus 1 weeks' pay at £461.00 per week multiplied by 1.5 = **£2,353.00**.
 - 2.2. A compensatory award for the period from the effective date of dismissal to the date of this hearing of 8 weeks' net pay at £387.00 per week = **£3,096.00**.
 - 2.3. A compensatory award for loss of future earnings (loss of statutory rights) of **£571.00**.

The total payable by the respondent to the claimant for unfair dismissal is **£6,020.00**.
The recoupment provisions do not apply to the compensatory award.

3. The claimant's claim of breach of contract (failure to pay notice pay) under Article 4 of the Employment Tribunals Extension of Jurisdiction (England & Wales) Order 1994 is well-founded and succeeds.
4. The respondent shall pay the claimant damages for breach of contract of 5 weeks' pay at £461.00 = **£2,305.00**.
5. The claimant's claim of unauthorised deduction of wages (failure to pay holiday pay) under section 13 of the Employment Rights Act 1996 is well-founded and succeeds.
6. For failing to pay any holiday pay to the claimant, the respondent shall pay the claimant holiday pay for the period working backwards from 8 February 2023 for two years. The claimant was employed between 9 February 2021 and 30 September 2022 of that period, which entitled him to 46 days' paid leave at £92.20 per day = **£4,241.20**.
7. Because the respondent failed to address the claimant's grievance concerning the failure to pay holiday pay, the award is uplifted by 25% under section 207(A) of the Trade Union and Labour Relations (Consolidation) Act 1992 = **£1,060.30**.
8. The claimant's claim that the respondent failed to provide him with written reasons for dismissal under section 92 of the Employment Rights Act 1996 is well-founded and succeeds.
9. The respondent shall pay the claimant two weeks' pay at £461.00 = **£922.00**.
10. The respondent failed to provide the claimant with a written statement of terms and conditions of employment as required by section 1 of the Employment Rights Act 1996. Under section 38 of the Employment Act 2002, the respondent shall pay the claimant four weeks' pay at £461.00 per week = **£1,844.00**.
11. The total payable by the respondent to the claimant is **£16,392.50**.

**Employment Judge Shore
Dated: 4 August 2023**