



EMPLOYMENT TRIBUNALS

Claimant: Mr T Gibson
Respondent: EJ Taylor & Sons Ltd.
Heard at: East London Hearing Centre (by CVP)
On: 11, 12 & 13 October 2023
Before: Employment Judge P Klimov (sitting alone)

Representation:

For the Claimant: Ms M McGee, of counsel

For the Respondent: Mr L Murdin, of counsel

JUDGMENT

1. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed.
2. There is a **75%** chance that the claimant would have been fairly dismissed in any event.
3. The respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015 and it is just and equitable to increase the compensatory award payable to the claimant by **15%** in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.
4. The claimant caused or contributed to the dismissal by blameworthy conduct and it is just and equitable to reduce the compensatory award payable to the claimant by **90%**.
5. It is just and equitable to reduce the basic award payable to the claimant by **90%** because of the claimant's conduct before the dismissal.
6. By consent, the respondent shall pay the claimant the following sums:

- (a) A basic award of **£1,398.80**, and
 - (b) A compensatory award of **£1,901.24**.
7. The complaint of breach of contract in relation to notice pay fails and is dismissed.

**Employment Judge Klimov
Dated: 13 October 2023**