



EMPLOYMENT TRIBUNALS

Claimant: Mr N Bouzid

Respondent: The Energy Comparison Service Limited
(in creditors voluntary liquidation)

Heard at: Midlands West

On: 20 November 2023

Before: Employment Judge Faulkner
Mrs M Stewart
Mrs M Bola

Representation: **Claimant** - In person
Respondent - Did not attend

JUDGMENT

Wages

1. The complaint of unauthorised deductions from wages is well-founded. The Respondent made unauthorised deductions from the Claimant's wages in the period from November 2019 to September 2020.

2. The Respondent shall pay the Claimant **£3,876.75** which is the gross sum deducted, less such deductions for any tax or National Insurance as it is required to make by law.

Breach of contract – notice pay

3. The Respondent was not entitled to dismiss the Claimant without notice. The complaint of breach of contract in relation to notice pay is therefore well-founded.

4. The Respondent shall pay the claimant **£1,184.50** as damages for breach of contract, less such deductions for any tax or National Insurance as it is required to make by law. This figure includes a 15% uplift because the Respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015 ("the Code") and it is just and equitable to increase

the damages payable, and has been calculated using gross pay to reflect the likelihood that tax will be payable on it as Post Employment Notice Pay.

Holiday Pay

5. The complaint in respect of holiday pay is well-founded. The Respondent made an unauthorised deduction from the Claimant's wages by failing to pay the Claimant for holidays accrued but not taken on the date the Claimant's employment ended (12 October 2020).

6. The Respondent shall pay the Claimant **£3,674.46** which is the gross sum deducted, less such deductions for any tax or National Insurance as it is required to make by law.

Harassment

7. In contravention of section 40 of the Equality Act 2010, the Respondent harassed the Claimant from March 2020 to October 2020 related to age, by the Claimant's colleagues repeatedly referring to him as "old man" and "grandpa".

8. The Respondent is ordered to pay to the Claimant the following sums, which may be paid without deduction as they represent compensation for harassment unrelated to termination of the Claimant's employment:

8.1. **£22,500** as compensation for injury to feelings, which includes a 25% uplift because the Respondent unreasonably failed to comply with the Code and it is just and equitable to increase the amount payable.

8.2. The further sum of **£6,637.81** by way of interest on compensation for injury to feelings calculated in accordance with the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996.

Employment Judge Faulkner
Date: 21 November 2023

Notes

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified

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by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>