



EMPLOYMENT TRIBUNALS

Claimant: Mr F Amin

Respondent: Wilson James Ltd

Heard at: East London Hearing Centre

On: 3 and 4 July 2024

Before: Employment Judge W A Allen KC
Members: Ms M Daniels
Mr M Rowe

Appearances

For the claimant: Mr Andersen (friend)
For the respondent: Mr Chadwick (consultant)

JUDGMENT

1. (By consent) the Claimant is permitted to amend his claim to include a claim for wrongful dismissal.
2. The Claimant's claims for automatic unfair dismissal (s103A and s110(1)(c) Employment Rights Act 1996) fail and are dismissed.
3. The Claimant was dismissed on 25 May 2022. It was agreed that he was entitled to and did not receive 1 week's notice pay.
4. The Claimant's claims for wrongful dismissal succeeds for a period of 1 week's pay from 25 May 2022.
5. The Claimant's claim for unpaid wages succeeds.
6. The Claimant's claim for unpaid accrued holiday pay succeeds in relation to the holiday year commencing 1 April 2022.
7. The Respondent is ordered to pay to the Claimant the total gross sum of **£2,449.80** (which is potentially subject to tax) – calculated as follows:
 - 7.1 The total gross sum owed by the Respondent to the Claimant prior to ACAS uplift (calculation agreed between the parties) is £2,227.09 gross (£1,644.50 unpaid wages + £483 notice pay + £99.59 holiday pay).

- 7.2 The Respondent having failed to comply with the ACAS Code of Conduct (grievance procedures) in relation to the money claims, the award is increased by 10% in the sum of £222.71.
8. In relation to the unpaid wages and holiday pay claims – which were apparent to the Respondent at or shortly after the point of dismissal but remain unpaid to this date, the Respondent is additionally ordered to pay to the Secretary of State for Justice a penalty under s12A Employment Tribunals Act of £1,000 (approximately 50% of the amounts awarded to the Claimant under those headings). By section 12A(10) of that Act, this liability is discharged if 50% of this sum (£500) is paid within 21 days of receipt of notice of the decision to impose the penalty.

Useful information

1. All judgments (apart from judgments under Rule 52) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.
2. Reasons for this judgment were given orally at the hearing. Written reasons will not be provided unless a party asked for them at the hearing or a party makes a written request within 14 days of the sending of this written record of the decision.
3. There is information about Employment Tribunal procedures, including case management and preparation, compensation for injury to feelings, and pension loss, here: <https://www.judiciary.uk/publications/employment-rules-and-legislation-practice-directions/>
4. The Employment Tribunals Rules of Procedure are here: <https://www.gov.uk/government/publications/employment-tribunal-procedure-rules>
5. You can appeal to the Employment Appeal Tribunal if you think a legal mistake was made in an Employment Tribunal decision. There is more information here: <https://www.gov.uk/appeal-employment-appeal-tribunal>

Employment Judge A Allen KC
Dated: 10 July 2024