



EMPLOYMENT TRIBUNALS

Claimant: Mr L Thornton

Respondent: (1) DAKO Construction Limited (in Administration)
(2) Secretary of State for Business and Trade

Heard at: Nottingham

Heard on: 5 March 2024

Before: Employment Judge Victoria Butler

Representation

Claimant: In person
Respondents: Did not attend

JUDGMENT

1. The claim was issued in the Midlands East Employment Tribunals on 2 April 2023.
2. The Respondent failed to present a valid response on time and is in Administration. The Administrators gave consent for the claim to proceed on 31 July 2023.
3. The Secretary of State for Business & Trade filed a response on 30 August 2023.
4. The Claimant's effective date of termination was 24 January 2023.

Wages for the period 16 – 24 January 2023

5. The first Respondent has made unauthorised deductions from the Claimant's wages for the period 16 – 24 January 2023 and must pay the Claimant **£1,697.78 gross**.

NB: the total gross amount payable was £2,476.95 but credit has been given for a payment by the Secretary of State in the amount of £779.17. There is no double recovery as the payment for holiday pay below covers the period 1 – 13 January 2023.

Notice pay

6. The Claimant was dismissed in breach of contract in respect of notice and the first Respondent must pay damages to the claimant of **£4,694.85**.

NB: the total net amount was £5,112.17 but credit has been given for a payment by the Secretary of State in the amount of £417.32.

Bonus payment

7. The first Respondent has made unauthorised deductions from the Claimant's wages in respect of a bonus payment for the successful completion of a property at Triumph Road and must pay the Claimant the amount of **£15,000**.

Holiday pay

8. The first Respondent has failed to pay the Claimant's holiday entitlement of 16.5 days and must pay the Claimant **£5,838.52**.

Protective award

9. The Claimant worked at a single establishment at which there was no recognised trade union. There were more than 20 employees all of whom were made redundant.
10. The first Respondent failed to organise the election of employee representatives and to consult with them in accordance with sections 188 and 188A of Trade Union and Labour Relations (Consolidation) Act 1992 ("TULRCA").
11. The first Respondent is ordered to pay remuneration to the Claimant for a protected period of 90 days beginning on 24 January 2023.
12. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply to this award.

Employment Judge Victoria Butler

Date: 5 March 2024

JUDGMENT SENT TO THE PARTIES ON

.....19 March 2024.....

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FOR THE TRIBUNAL OFFICE

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.