



EMPLOYMENT TRIBUNALS

Claimant: Mr An-Heng Yang

Respondent: Linga International Limited

Heard at: London South, by CVP

On: 5 February 2025

Before: EJ Rice-Birchall

Representation

Claimant: Mr Neaman, counsel

Respondent: Not in attendance

JUDGMENT

ACAS Code

1. 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 25% in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992. An increase of 25% has therefore been applied to all awards set out below.

Arrears of Pay

2. The complaint of breach of contract in relation to arrears of pay is well-founded.
3. The respondent shall pay the claimant **£150.10** as damages for breach of contract as regards pay. This figure has been calculated using gross pay to reflect the likelihood that the claimant will have to pay tax on it.
4. The figure includes interest in the sum of £12.

Notice Pay

5. The complaint of breach of contract in relation to notice pay is well founded.
6. The respondent shall pay the claimant **£4610.88** as damages for breach of contract as regards notice pay. This figure has been calculated using gross pay to reflect the likelihood that the claimant will have to pay tax on it as Post Employment Notice Pay.

7. The figure includes interest in the sum of £378.

Unfair (constructive) dismissal

8. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed.
9. The respondent shall pay the claimant the following sums:
- (a) A basic award of **£3860**.
 - (b) A compensatory award of **£34452.88** (which is the statutory cap as it applies to the claimant).

Note that these are actual the sums payable to the claimant after any deductions or uplifts have been applied.

Failure to provide a written statement of employment particulars

10. The respondent was in breach of its duty to provide the claimant with a written statement of employment particulars. An amount equal to four weeks' gross pay is just and equitable. In accordance with section 38 of the Employment Act 2002 the respondent shall therefore pay the claimant **£2573.00**.

Total figure payable to the claimant

11. The total figure payable by the respondent to the claimant is **£45646.86**.

Employment Judge Rice-Birchall
Date: 5 February 2025

Sent to the parties on
Date: 24 February 2025

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 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/>