



EMPLOYMENT TRIBUNALS

Claimant: Mr S Elzailae

Respondent: Keytech CCTV Limited

Heard at: Manchester

On: 11 September 2017

Before: Employment Judge Porter

Representation

Claimant: In person

Respondent: Not in attendance

JUDGMENT

1. The claimant was dismissed for asserting a statutory right. His claim under section 104 Employment Rights Act 1996 is well founded.
2. The request for reinstatement is refused.
3. The respondent is ordered to pay to the claimant compensation in the sum of £12,604.00 comprising:
 - 3.1 Basic Award in the sum of £2, 916.00; and
 - 3.2 Compensatory Award in the sum of £9,688.00
4. The recoupment regulations do not apply.
5. The claim for breach of contract, failure to provide notice of termination of employment is well founded. The respondent is ordered to pay damages to the claimant in the sum of £1,944.00.

6. The claim for unlawful deduction from wages is well-founded and the respondent is ordered to pay to the claimant the sum of £9,094.60 gross.
7. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of £2,613.20.
8. The respondent failed to provide the claimant with itemised pay statements. The claim under s11 Employment Rights Act 1996 is well-founded. The respondent is ordered to pay to the claimant the sum of £92.04, being the aggregate of the unnotified deductions (national insurance contributions) for the period of 13 weeks.
9. The claimant has paid fees in connection with this claim. In R (on the application of UNISON) v Lord Chancellor [2017] UKSC 51 the Supreme Court decided that it was unlawful for Her Majesty's Courts and Tribunals Service (HMCTS) to charge fees of this nature. HMCTS has undertaken to repay such fees. In these circumstances the tribunal shall draw to the attention of HMCTS that this is a case in which fees have been paid and are therefore to be refunded to the claimant. The details of the repayment scheme are a matter for HMCTS.

Employment Judge Porter

Date: 11 September 2017

Note

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.

JUDGMENT SENT TO THE PARTIES ON
18 September 2017

FOR THE TRIBUNAL OFFICE



Case No 2405426/16

NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: 2405426/2016

Name of case: Mr S Elzailae v Keytech CCTV Limited

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 18 September 2017

"the calculation day" is: 19 September 2017

"the stipulated rate of interest" is: 8%

MR S ARTINGSTALL
For the Employment Tribunal Office