



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Mr S Waine

and

Respondent

Rogers Auto Factors Limited

Held at Reading on 23 July 2018

Representation

Claimant: Mr P Smith, counsel

Respondent: Did not attend and not represented

Employment Judge Mr S G Vowles (sitting alone)

JUDGMENT

Attendance

1. The Respondent failed to attend or to be represented at the hearing. The Tribunal Clerk contacted the Respondent to enquire about the reasons for the absence. The Tribunal concluded that the Respondent had chosen not to attend and decided to proceed with the hearing in the absence of the Respondent.

Evidence

2. The Tribunal heard evidence on oath from the Claimant and read documents provided by the parties. It also read 4 witness statements provided on behalf of the Respondent.

Unfair Dismissal - section 98 Employment Rights Act 1996

3. The Claimant was dismissed with notice and the effective date of termination was 28 February 2017. The dismissal was procedurally and substantively unfair. This complaint succeeds.
4. The Claimant is awarded £11,423.10 in compensation for unfair dismissal.

Wrongful Dismissal - section 86 Employment Rights Act 1996

5. The Claimant was wrongfully dismissed. He is owed 5 weeks' notice pay and is awarded £1,667.40 in compensation.

Breach of Contract – article 3 Employment Tribunals Extension of Jurisdiction (E&W) Order 2004

6. The Claimant is owed sales commission and is awarded £437.46 in compensation.

Unpaid Holiday Pay – regulation 30 Working Time Regulations 1998

7. The Claimant is owed 4 days holiday pay and is awarded £294.44 in compensation.

Total Award

8. The total award is **£13,822.40** and the Respondent is ordered to pay this sum to the Claimant. An updated Statement of Loss, signed by the Claimant, is attached to this judgment showing how the awards were calculated.

Reasons – rule 62 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013

9. Reasons for this judgment were given orally at the hearing. Written reasons will not be provided unless a written request is presented within 14 days of the date this judgment is sent to the parties.

Employment Judge Vowles

Date: 23 July 2018.....

Sent to the parties on:

2 August 2018.....

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For the Tribunal Office