



## EMPLOYMENT TRIBUNALS

Claimant Respondent  
**Mr J Stone** **Burflex (Scaffolding) Limited**  
v  
**Heard at: Hull** **On: 28 & 29 October 2019**  
**Before: Employment Judge Lancaster**  
**Representation:**  
**Claimant: Mr P Lassey, of Counsel**  
**Respondent: Miss L Howes, Solicitor**

## JUDGMENT

1. The claimant was dismissed, but not for an automatically unfair reason. The complaint of unfair dismissal under section 104 of the Employment Rights Act is dismissed.
2. It is declared that the respondent has made an unauthorised deduction from the claimant's wages in respect of the calculation of his holiday pay either taken or accrued and owing at termination.
3. There is no order for compensation as the outstanding sum due of £1,385.92 has now been paid.
4. The respondent has made an unauthorised deduction from the claimant's wages in the sum of £319.00 in respect of vehicle repairs and is ordered to repay this sum to the claimant.
5. The respondent is further ordered to pay an additional amount of £63.80 being an uplift of 20% in the sum of £319.00 by reason of the unreasonable failure to follow the ACAS code of practice on grievances.
6. The respondent is further ordered to pay to the claimant the additional award of £2,032.00 being 4 weeks' pay, by reason of the failure to provide him with a written statement of his terms and conditions of employment.

**Employment Judge Lancaster**

Date 1 November 2019

