



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Mr Sylvester Bakoh v Nigel Fredericks Trading Limited (In Administration)**

**Heard at:** Watford

**On:** 27 January 2020

**Before:** Employment Judge Alliott (sitting alone)

## **Appearances**

**For the Claimant:** Ms C Gill (Citizens Advice Bureau)

**For the Respondent:** Did not attend

## **JUDGMENT**

1. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the gross sum of £4,314 (subject to Tax and National Insurance).
2. The respondent is ordered to pay the claimant a basic award of £7,874.
3. The respondent is ordered to pay the claimant a compensatory award of £1,448.05 plus £500 for loss of statutory rights.
4. The respondent is ordered to pay the claimant compensation of £500 for refusing to permit the claimant to exercise any right he has under the Working Time Regulations, regulation 10(i).
5. The respondent is ordered to pay the claimant compensation of £500 for refusing to permit the claimant to exercise any right he has under the Working Time Regulations, Regulation 11.

## **REASONS**

### **The respondent's absence**

1. The respondent is in administration. It's presence today was not expected. I decided to proceed with the hearing in the absence of the respondent.

## Calculations

### 2. Notice Pay:

The claimant was employed on 15 May 2006 and dismissed on 15 October 2018. He therefore has 12 full years of employment.

He was entitled to 12 week's notice.

In June/July and August 2018 he worked 858.51 hours, an average of £66.04 hours per week @ £10 per hour = £660 gross per week.

He earned £434.36 gross for 8.3 weeks during the notice period.

$$12 \times £660 = £7,920.$$

$$8.3 \times £434.36 = £3,606.$$

$$\text{Total award} = \underline{£4,314.}$$

### 3. Unfair dismissal:

#### 3.1 Basic Award

Claimant 48 at dismissal:

12 full years = 15.5 multi.

$$15.5 \times £508 = £7,874.$$

#### 3.2 Compensatory Award:

I find that, had he remained employed at the respondent, the claimant's earnings at the respondent would have decreased to approximately £440 net per week due to a reduction in hours worked.

After the expiry of the notice period on 7 January 2019 the claimant worked for 5 weeks @ £150.39 net per week. Thereafter he obtained employment at £440 net per week.

$$5 \times £440 = £2,200$$

$$\text{Less } 5 \times £150.39 = £751.95$$

$$\text{Total award} = \underline{£1,448.05}$$

#### 3.3 Loss of statutory rights:

£500

4. Breach of the Working Time Regulations 10 (i) and 11

I consider compensation of £500 for each breach to be just and equitable in all the circumstances. The respondent repeatedly ignored the claimant's wish to reduce his hours.

Total award: £1,000.

5. The claimant claimed no benefits.

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Employment Judge Alliot

Date: .....27 January 20.....

Sent to the parties on: .....

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For the Tribunal Office