



EMPLOYMENT TRIBUNALS

Claimant: Mr Richard Lewis
Respondent: Harbrine Limited
Heard at: East London Hearing Centre (by Cloud Video Platform)
On: 24, 25 & 26 February 2021
Before: Employment Judge G Tobin

Representation

Claimant: In person
Respondent: Mr A Sendall (counsel)

JUDGMENT

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was V by Cloud Video Platform. A face to face hearing was not held because the relevant matters could be determined in a remote hearing.

The determination of the Employment Tribunal is that:

1. The claimant experienced an unlawful deduction of wages in breach of s13 Employment Rights Act 1996 from 23 June 2020 until his employment was terminated on 30 August 2021.
2. The claimant was unfairly dismissed, in breach of s94 Employment Rights Act 1996.
 - 2.1 The Tribunal would ordinarily award the claimant the maximum uplift on any compensatory award, pursuant to s207A Trades Union and Labour Relations (Consolidation) Act 1992, on the basis of the respondent's non-compliance with the ACAS Code of Practice on Disciplinary and Grievance Procedures.
 - 2.2 However, the Tribunal finds that that claimant has contributed to his dismissal by his culpable and blameworthy conduct. The Tribunal will

deduct 100% of any basic award and compensatory award pursuant to s122(2) and s123(1) and 123(6) Employment Rights Act 1996.

- 3. As the claimant was dismissed for gross misconduct, the claimant is not owed a redundancy payment.**
- 4. The claimant was not dismissed in breach of contract.**
- 5. The quantification of compensation awarded at 1 above is agreed between the parties. The Tribunal orders that the respondent pay to the claimant the sum of £8,993.85 gross.**
- 6. For avoidance of doubt, the claimant is not entitled to compensation or damages under 2, 3 and 4 above.**

**Employment Judge Tobin
Date: 26 February 2021**