



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr P Fraser-Thomson

**Respondent:** CST INT Limited

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

The time for presenting a response having expired, and no valid response having been presented by the respondent within the prescribed time limit, it is the judgment of the tribunal that:

1. The claimant's complaint of unfair constructive dismissal is well founded and succeeds. The claimant is entitled to compensation.

#### Basic Award:

The claimant had two years continuous service , over the age of 41. His weekly pay was £865.40 gross. The cap of £508.00 on a week' pay applies.

1.5 x 2 x £508.00

**£1524.00**

#### Compensatory Award

The claimant was out of work for three weeks following his dismissal. His net weekly wage was £670.20

He seeks, however, and the Tribunal awards, notice pay for the same period, so no compensatory award is made.

2. The claimant was dismissed without notice in breach of contract. He was contractually entitled to four weeks notice. He mitigated his loss, however after three weeks, so is entitled to 3 weeks notice pay as damages for breach of contract.

3 x £670.20

**£2010.60**

This is a net sum, and the respondent shall account to HMRC for the appropriate deductions for tax and national insurance, if any, due upon it.

3. The claimant's claim of unauthorised deduction from wages is well-founded and succeeds. The respondent unlawfully deducted payments due to the claimant in respect of the final week worked by him in October 2018, at the weekly rate of £ 865.40 gross, a total of £670.20 . The respondent is ordered to pay the claimant the said sum of **£670.20** . This is a net sum, and the respondent shall account to HMRC for the appropriate deductions for tax and national insurance, if any, due upon it.
4. The claimant's complaint of failure to pay to the claimant an amount due to the claimant under regulation 14 (2) or regulation 16 (1) of the Working Time Regulations 1998 is well-founded and the respondent shall pay to the claimant the sum of **£938.28** in respect of 7 days untaken but accrued holiday (holiday pay) at the daily rate of £134.04 net. This is a net amount and the respondent shall be responsible for deducting any income tax and employee's national insurance, if any, due upon it.

5. The Tribunal's awards are accordingly:

|                                 |                        |
|---------------------------------|------------------------|
| Unfair Dismissal                | <b><u>£1524.00</u></b> |
| Breach of Contract (notice pay) | <b><u>£2010.60</u></b> |
| Deductions from wages           | <b><u>£670.20</u></b>  |
| Holiday Pay                     | <b><u>£938.28</u></b>  |

6. The hearing listed on **2 April 2019** is cancelled.

Employment Judge Holmes

Date: 27 March 2019

JUDGMENT SENT TO THE PARTIES ON

27 March 2019

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2417169/2018**

Name of **Mr P Fraser-** v **CST INT Limited**  
case(s): **Thomson**

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: **27 March 2019**

"the calculation day" is: **28 March 2019**

"the stipulated rate of interest" is: **8%**

MR I STOCKTON  
For the Employment Tribunal Office

## INTEREST ON TRIBUNAL AWARDS

### ***GUIDANCE NOTE***

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at

**[www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](http://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)**

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.