



EMPLOYMENT TRIBUNALS

Claimant: Mr M Rostron

Respondent: Electronics Direct Ltd

HELD BY CVP in Sheffield

ON: 8 April 2021

BEFORE: Employment Judge Brain

REPRESENTATION:

Claimant: in person

Respondent: Mr C Hopwood, Managing Director

JUDGMENT

The judgment of the Employment Tribunal is that:

1. The claimant's complaint that he was wrongfully dismissed on 18 June 2020 fails and stands dismissed.
2. The claimant's complaint that the respondent made an unauthorised deduction from his wages by failing to pay him a bonus payment based upon sales during May 2020 fails and stands dismissed.
- 3.1. The respondent unfairly dismissed the claimant on 18 June 2020.
- 3.2. The respondent shall pay the claimant a basic award and a compensatory award.
- 3.3. Basic award
 - (a) The multiplicand for the basic award is in the sum of £538 (being the maximum permissible week's pay for the purposes of section 227(1)(a) of the Employment Rights Act 1996).
 - (b) The multiplier is 3 (by reason of the claimant's age and length of service). *(As the claimant was liable to summary termination of his contract of employment, he does not benefit from the addition of a notional extra week of employment pursuant to section 86 of the 1996 Act).*
 - (c) The conduct of the employee before dismissal is such that it is just and equitable to reduce the basic award by 50%.

(d) Accordingly, the basic award payable by the respondent is in the sum of £807 (that being $3 \times £538 \div 2$).

3.4. Compensatory award

(a) Acting within the range of reasonable responses, the respondent would have dismissed the claimant on or around 30 July 2020.

(b) Six weeks loss of remuneration (between 18 June 2020 and 30 July 2020) is in the sum of £4479.42 (being $6 \times$ his net weekly wage of £746.57).

Six weeks loss of employer's pension contribution is in the sum of £127.98.

Total loss of earnings is thus in the sum of £4,607.40.

(c) There shall be an uplift of the compensatory award of 20% in the sum of £895.88 to reflect the respondent's failure to comply with the *ACAS Code of Practice on Disciplinary and Grievance Procedures* pursuant to section 207A of the Trade Union and Labour Relations Act 1992.

(d) The amounts awarded in (b) and (c) total £5,503.28.

(e) The dismissal was contributed to by the actions of the claimant such that it is just and equitable to reduce the compensatory award by 50%.

(f) There shall be no award for loss of the statutory right not to be unfairly dismissed as the claimant would have been fairly dismissed in any event six weeks after the effective date of termination upon 18 June 2020.

(g) Accordingly, the compensatory award is in the sum of £2,751.64.

4. The total amount payable by the respondent to the claimant is in the sum of £3,558.64. This sum shall be paid to the claimant on or before **22 April 2021**.

Employment Judge Brain

Date: 21 April 2021