



# EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**  
Mr P Shaw

AND

**Respondent**  
Wholesale Horticultural Group Ltd

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

**HELD AT** Birmingham (remotely-via CVP)      **ON** 6 October 2020

**EMPLOYMENT JUDGE** Dimbylow

### Representation

**For the claimant:** In person

**For the respondent:** Not present or represented

## JUDGMENT

**Employment Tribunals Rules of Procedure 2013-Rule 21 (the claims not being disputed, with no valid response having been presented)**

1. The respondent made unauthorised deductions from the claimant's wages and is ordered to pay the claimant the gross sum of £532.30 (2 weeks x £346.15 per week = £692.30 - £160.00 paid on account).
2. The respondent failed to pay the claimant for holidays accrued but not taken and is ordered to pay the claimant the gross sum of £934.60 (24.5 days accrued from 1 January 2019 to 8 November 2019, less 11 days holiday paid or taken, therefore 13.5 days x £69.23 per day).
3. The respondent breached the claimant's contract of employment by failing to give him notice or payment in lieu thereof. I order the respondent to pay the claimant damages in the sum of £775.73 (gross) (3 weeks x £346.15 = £1,038.45 - £262.72 gross earnings received from alternative employment in mitigation of loss during the notice period).

4. The claimant was entitled to a redundancy payment. The amount of the payment is £519.22 ( $3 \times \frac{1}{2} \times £346.15$ ) and I order the respondent to pay that sum to the claimant.

5. The claimant was unfairly dismissed by the respondent. I order the respondent to pay to the claimant the sum of £500.00 compensation for loss of accrued employment rights. Recoupment of benefits does not apply in this case as the claimant did not apply for or receive any state benefits, and he did not seek any compensation for loss of earnings.

6. The respondent failed to provide the claimant with a written statement of main terms and conditions of employment contrary to s.38 Employment Act 2002. I order the respondent to pay compensation for that failure to the claimant in the sum of £692.30 ( $2 \times £346.15$ ).

Signed by Employment Judge Dimbylow  
Date: 6 Oct. 2020

**This Hearing took place against the background of the coronavirus pandemic; and was conducted remotely by video platform in accordance with safe practice and guidelines.**