



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr K Aston

**Respondent:** RM Motor Engineers Ltd t/a The Garage Howden

**Heard at:** Leeds Employment Tribunal      **On:** 6 February 2023

**Before:** Employment Judge K Armstrong

## REPRESENTATION:

**Claimant:** Ms L Aston, lay representative

**Respondent:** Did not attend

# JUDGMENT

1. The respondent made unauthorised deductions from the claimant's wages in the sum of **£223.43** and shall compensate him accordingly. This is a net figure.
2. The claimant was automatically unfairly dismissed for assertion of a statutory right, within the meaning of of s.104 Employment Rights Act 1996.
  - 2.1. The respondent shall pay to the claimant a compensatory award of **£10,686**.
  - 2.2. This shall be uplifted by 25% for breach of the ACAS code of practice on disciplinary and grievance procedures, in the further sum of **£2,671.50**
3. The respondent discriminated against the claimant within the meaning of s.13 Equality Act 2010 by treating him less favourably than others because of his age.
  - 3.1. The respondent shall pay the claimant a compensatory award for injury to feelings in the sum of **£6,000**.
  - 3.2. The respondent shall pay interest on the injury to feelings award at the rate of 8% per annum from 21 February 2022 to 6 February 2023, in the sum of **£461**.

4. The respondent failed to provide to the claimant a written statement of initial employment particulars and it is just and equitable to award the higher amount therefore the respondent shall pay to the claimant the further sum of **£1,560** by virtue of s.38 Employment Act 2002.

Employment Judge **K Armstrong**

Date: 6 February 2023

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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