

Case No: 4102148/2017



# **EMPLOYMENT TRIBUNALS (SCOTLAND)**

Case No: 4102148/2017

Employment Judge: Mr R Gall

Mr M Smith

Claimant

La Luce Limited

Respondents

## **JUDGMENT**

### **Rule 21 of the Employment Tribunal Rules of Procedure 2013**

No response has been presented to this claim and an Employment Judge has decided to issue the following judgment on the available material under rule 21:

- 1 The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the sum of £460, representing money deducted at the start of employment to be refunded on termination.
- 2 The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the sum of £1,840 – being 4 weeks pay in lieu of notice.
- 3 The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of £800.40 being 8.7 days' pay in respect of holiday leave accrued but untaken at date of termination of employment.
- 4 The hearing listed on 29 September 2017 is cancelled.
5. The claimant has paid fees in connection with this claim. In R (on the application of UNISON) v Lord Chancellor [2017] UKSC 51 the Supreme Court decided that it was unlawful for Her Majesty's Courts and Tribunals Service (HMCTS) to

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charge fees of this nature. HMCTS has undertaken to repay such fees. In these circumstances I shall draw to the attention of HMCTS that this is a case in which fees have been paid and are therefore to be refunded to the claimant. The details of the repayment scheme are a matter for HMCTS.

- 6 No contract of employment or statement of written terms and conditions of employment was issued by the respondent to the claimant. In respect of that failure and given that the claimant was employed for almost 2 years it is considered just and equitable to award the higher amount of 4 weeks' pay in terms of Section 38 of the Employment Act 2002, The respondents are ordered to pay £1,840 to the claimant in respect of this ground of claim.

Employment Judge: Robert Gall

Date of judgment: 5 September 2017

Entered in register and copied to parties: 5 September 2017