



EMPLOYMENT TRIBUNALS

Claimant: Mr T Henry

First Respondent: KK Services Contractors Limited (In Creditors Voluntary Liquidation)

Second Respondent: Mr Krzysztof Krzyszyzak

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The complaint of unfair dismissal succeeds and is upheld. The first respondent is ordered to pay the claimant a compensatory award of £2,780.10. This amount is subject to a 10% uplift due to the first respondent's failure to comply with the ACAS Code, the total sum to be paid is £3,058.11.
2. The first respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the sum of £1,469.29. This amount is subject to a 10% uplift due to the first respondent's failure to comply with the ACAS Code, the total sum to be paid is £1616.21.
3. The claimant's complaints against the first and second respondents in respect of whistleblowing detriment are well founded.
4. The second respondent is ordered to pay the claimant the sum of £3,500 as compensation for injury to feelings arising from whistleblowing detriment.
5. The claimant's holiday pay complaint is dismissed as not pursued.
6. The recoupment regulations do not apply to these awards.

Note: the complaints of unfair dismissal and unauthorised deductions from wages cannot be upheld against the second respondent in the absence of a hearing with evidence and judgment "piercing the corporate veil".

Case No: 1801670/2022

Employment Judge JM Wade

Date: 5 September 2022