



# EMPLOYMENT TRIBUNALS (SCOTLAND)

5

Case Number: 4103352/2020

Hearing held by video on 24, 25 and 26 January 2022

Employment Judge M Whitcombe

10

**Mr Gavin Wright**

**Claimant**  
**Represented by:**  
**Ms A Peat**  
**(Solicitor)**

15

**City Gate Construction (Scotland) Limited**

**Respondent**  
**Represented by:**  
**Mr S Miller**  
**(Solicitor)**

20

25

## JUDGMENT

The judgment of the Tribunal is as follows.

30

(1) The claimant was unfairly dismissed.

(2) By consent, the respondent failed to provide the claimant with a statement of terms and conditions. The appropriate remedy under section 38(3) of the Employment Act 2002 is an award of 2 weeks' pay.

35

(3) By consent, the respondent failed to allow the claimant to be accompanied to a disciplinary hearing in breach of section 10 of the Employment Relations Act 1999. The appropriate remedy is an award of 2 weeks' pay.

(4) All remaining issues of remedy and calculation will, by consent, be dealt with at a remedy hearing on 9 February 2022.

(5) Oral reasons (including findings on certain other matters relevant to remedy) were given at the end of the hearing on 26 January 2022.

5

**Employment Judge: M Whitcombe**  
**Date of Judgment: 26 January 2022**  
**Entered in register: 26 January 2022**

10 **and copied to parties**