



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 8000964/2024

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Employment Judge McCluskey

Mr K Meek

Claimant

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CDE Windows and Doors Ltd

Respondent

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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 complaint in respect of a statutory redundancy payment is well-founded. The respondent shall pay the claimant **FOUR THOUSAND ONE HUNDRED AND TWENTY-SEVEN POUND AND TWENTY-FIVE PENCE (£4,127.25)**.
2. The complaint in respect of holiday pay is well-founded. The respondent made an unauthorised deduction from the claimant's wages by failing to pay the claimant for holidays accrued but not taken on the date the claimant's employment ended. The respondent shall pay the claimant **ONE HUNDRED AND SEVENTEEN POUNDS (£117)**. The claimant is responsible for paying any tax or National Insurance.
3. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed. The respondent shall pay the claimant **FIVE HUNDRED POUNDS (£500)** for loss of statutory employment protection rights.

4. It is declared that the respondent failed to give the claimant written itemised pay statements as required by section 8 Employment Rights Act 1996 in the period March and April 2024.

REASONS

- 5 1. The claimant was dismissed by reason of redundancy. His complaint in respect of a statutory redundancy payment is well-founded. He is entitled to a statutory redundancy payment based on his age (55), length of service (5 years) and his gross weekly pay (£550.3) in the sum of £4,127.25.
- 10 2. The complaint of unfair dismissal is well-founded. The claimant was unfairly dismissed. The claimant asserts that he is entitled to an award for ordinary unfair dismissal in the sum of one month of salary. The claimant is not entitled to a basic award for ordinary unfair dismissal as his claim for payment of a statutory redundancy payment is well-founded. The statutory redundancy payment sum is equivalent to a basic award for unfair dismissal and there can be no double counting.
- 15 3. The claimant's employment with the respondent ended on 12 April 2024. His employment with his new employer commenced on 15 April 2024. The claimant's earnings with the respondent were £2,384.62 gross per month. The claimant's earnings with his new employer are £2,833.33 gross per month.
- 20 His new earnings are higher than his earnings with the respondent. There was no period of time when he was not earning income. The claimant has not sustained any loss of earnings for which a compensatory award for unfair dismissal can be made.
- 25 4. The claimant had five years of continuous service with the respondent. He has lost a number of statutory employment protection rights which are dependent on having remained in employment for a qualifying period. Accordingly, the claimant is awarded the sum of £500 for loss of statutory employment protection rights.

5. The claimant has not received pay slips from the respondent in March and April 2024. He is entitled to a declaration to this effect. The claimant is aware of the sums due to him. Accordingly, no financial award is made.

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J McCluskey
Employment Judge

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29 October 2024
Date of Judgment

Date sent to parties

01 November 2024