



EMPLOYMENT TRIBUNALS

Claimant: Mr D Collier

Respondent: ASG Stage Productions Limited

HELD AT: Liverpool **ON:** 10 and 13 July 2017

BEFORE: Employment Judge Rice-Birchall

REPRESENTATION:

Claimant: Mr P Cunningham, Consultant

Respondent: Mr G Waywell, Director

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant was unfairly dismissed by the respondent. His claim of unfair dismissal succeeds.
2. The respondent has breached the claimant's contract of employment and is ordered to pay the claimant the sum of £3845 (gross).
3. The respondent has breached the claimant's contract of employment by failing to pay 3 days' holiday pay. The respondent is ordered to pay to the claimant the sum of £461 (gross).
4. The respondent has breached the claimant's contract of employment by withholding two weeks' pay. The respondent is ordered to pay to the claimant the sum of £1,538 (gross).
5. A Remedy Hearing has been listed for **7 September 2017** and will take place in the Liverpool Employment Tribunals at Civil and Family Court, 3rd Floor, 35 Vernon Street, Liverpool, L2 2BX at 10 am or as soon thereafter as the Tribunal can hear it.
6. Case Management Orders pertaining to the hearing are set out below.

Case Management Orders

1. The claimant is to inform the respondent, by 3 August 2017, whether or not he intends to request re-instatement or re-engagement.
2. On or before 3 August 2017, the claimant must disclose to the respondent:
 - (a) all evidence of his attempts to obtain alternative employment since the date of the termination of his employment with the respondent;
 - (b) evidence of Job Seekers Allowance paid to him;
 - (c) all evidence of any work done for National Stage since the date of the termination of his employment with the respondent, whether as an employee, a self-employed consultant, through his business (SCS Ltd) or otherwise;
 - (d) the last 2 years accounts up to May 31 2017, and a statement from a qualified accountant confirming that they have been reconciled with the relevant bank statements. If such a statement is not available, at the same time as providing these sets of docs, the claimant shall provide original copies of bank statements to the Tribunal for the same period with redacted copies to the respondents.
3. The claimant is to provide to the respondent an updated Schedule of Loss on or before 10 August 2017.
4. On or before 24 August 2017, the claimant is to prepare a written statement of evidence to support the documentary evidence of his attempts to mitigate his loss and provide a copy of that statement to the respondent.
5. On or before 24 August 2017, if the claimant does pursue reinstatement/re-engagement, the respondent is to prepare a written statement of evidence in respect of any person by whom evidence is to be given on the subject of re-instatement and/or re-engagement and provide a copy of any such statement(s) to the claimant.

Employment Judge Rice-Birchall

Date_20 July 2017

JUDGMENT SENT TO THE PARTIES ON
27 July 2017

FOR THE TRIBUNAL OFFICE

Note

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 2401453/2017

Name of Mr D Collier v ASG Stage Products
case(s): Limited

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 27 July 2017

"the calculation day" is: **28 July 2017**

"the stipulated rate of interest" is: 8%

MS J THOMSON
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.justice.gov.uk/tribunals/employment/claims/booklets

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.