



EMPLOYMENT TRIBUNALS

Claimant: Mr W Francis

Respondent: Cheshire Signs Limited

HELD AT: Manchester

ON: 19 September 2018

BEFORE: Employment Judge Slater
Ms C S Jammeh
Ms J A Beards

REPRESENTATION:

Claimant: Ms J McCarthy, solicitor

Respondent: Mr D Porter, director of respondent

JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The complaint of unfair dismissal is well founded. The respondent was in breach of the ACAS Code of Practice on Discipline and Grievance. No deduction is to be made from compensation because of the claimant's conduct and no deduction is to be made under the *Polkey* principle.
2. The respondent was in breach of contract by dismissing the claimant without the 12 weeks' notice to which he was entitled.
3. The respondent made unlawful deductions from wages in respect of:
 - 3.1. 2 days' SSP; and
 - 3.2. £184.61 deducted for holiday which the respondent said had been taken in excess of holiday entitlement.
4. The tribunal declares that the respondent refused to permit the claimant to exercise the right to 11 hours consecutive rest in a 24 hour period.

5. The respondent failed to comply with its obligations under sections 1 and 4 of the Employment Rights Act 1996 to provide the claimant with a written statement of employment particulars and statements of changes and an award will be made of two or four weeks' pay pursuant to section 38 Employment Act 2002.

6. There will be a remedy hearing on 21 November 2018 beginning at 10 a.m. with a time estimate of one day.

Employment Judge Slater

Date: 19 September 2018

JUDGMENT SENT TO THE PARTIES ON

3 October 2018

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.

Public access to employment tribunal decisions

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