



EMPLOYMENT TRIBUNALS

Claimant: Mr A Gasau

Respondent: J C Bamford Excavators Limited

Heard at: West Midlands (Birmingham)
Employment Tribunal

**On: 13, 14, 15 and 16 June
and 3 July 2023**

Before: Employment Judge Childe

REPRESENTATION:

Claimant: In person

Respondent: Mr Morton (Counsel)

JUDGMENT

1. The claimant's claim that the respondent breached his contract of employment by failing to pay contractual sick pay due to him for the period 1 January 2021 to 27 April 2021 is well-founded and succeeds. The respondent is ordered to pay to the claimant the sum of **£8,188.16** gross, subject to the deduction of tax and national insurance.

2. The complaint of unfair dismissal under Part X Employment Rights Act 1996 is well-founded. The claimant was unfairly dismissed. The respondent is ordered to pay the claimant the following:
 - a. A basic award in the sum of **£4,896.00**.
 - b. A compensatory award in the sum of **£2,397.65** net of tax and national insurance contributions.
 - c. **£500**, in respect of loss of statutory rights.

3. The complaint of breach of contract in relation to notice pay is well-founded. The respondent is ordered to pay the claimant the sum of **£2,809.63** gross as damages for breach of contract. This figure has been calculated using gross pay to reflect the likelihood that the claimant will be taxed upon it as Post Employment Notice Pay.

Employment Judge Childe

4 July 2023

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.

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