



EMPLOYMENT TRIBUNALS

Claimant: Ms Malgorzata Babula

Respondents: 1. Holiday.com Hotels Limited
2. Mr M Pannu

HELD AT: Leeds

ON: 11, 12, 13 and 14
September 2017

BEFORE: Employment Judge D N Jones
Ms N H Downey
Mr W G Appleyard

REPRESENTATION:

Claimant: Mrs M Inkin, lay representative
Respondent: Mr M Howson, consultant

JUDGMENT

The Tribunal holds, unanimously, that:

1. The first respondent breached section 1 of the National Minimum Wage Act 1998 in failing to pay the claimant the national minimum and living wage calculated in accordance with the National Minimum Wage Regulations 2015 and failed to pay her in accordance with the hours she had worked from January 2016 to December 2016. This amounted to a fundamental breach of the claimant's contract of employment. The claimant resigned as a consequence and was wrongfully dismissed.

3. The first respondent shall pay to the claimant damages of:
[i] £310.00, being notice pay for one week (in respect of the wrongful dismissal complaint); and
[ii] £5,373.75, being the unpaid wages and holiday pay for a total of 716 hours, comprising 216 hours for the month of January to April 2016 inclusive and 500 hours for the months of May to December inclusive (in respect of her breach of contract complaint).

5. The complaint of unfair dismissal is dismissed upon withdrawal.

6. The first respondent failed to provide the claimant with written particulars of employment in accordance with sections 1 and 4 of the Employment Rights Act 1996 and shall pay to the claimant 4 weeks' pay, of £1,440.00, in respect of that breach.

By a majority (the Employment Judge dissenting) the Tribunal holds:

7. The complaints of harassment in respect of the incidents in September 2016 and November 2016 are dismissed.

Unanimously, the Tribunal holds:

8. The remaining complaints of harassment are dismissed.

Employment Judge D N Jones

Date: 20 September 2017