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EMPLOYMENT TRIBUNALS

Claimant: Mrs C Parmenter

Respondent: HQ Worldwide Ltd

Heard at: East London Hearing Centre

On: 25 August 2017

Before: Employment Judge Prichard

Representation

Claimant: Ms C Urquhart (Counsel, instructed by Lyons Davidson Solicitors, Bristol)

Respondent: Not present or represented

REMEDY JUDGMENT

The judgment of the Employment Tribunal is that:-

- (1) The respondent's title is amended as in the above heading from Harlequin Worldwide Travel Ltd which is a dormant company.
- (2) The claimant's claims having previously succeeded and a default judgement having been sent to the parties on 27 June 2017, the claimant is now awarded a total compensation of £14,814.45 made up as follows:-

The claimant has 9 complete years service, her gross weekly salary was £209.85, net weekly salary £188.85 and daily net salary £37.77.

Statutory redundancy payment	<u>£ 1,888.65</u>
Unfair dismissal compensatory award loss of Earnings from 21 October for a 12 month period of differential loss	£ 8,811.96.
Loss of statutory rights	£ 450.00
Compensatory award total	<u>£11,150.61</u>

2 days holiday pay net	£ 75.54.
No claim for statutory maternity pay (paid directly by HMRC).	
Wrongful dismissal i.e. notice pay	£ 1,699.65
Grand total	<u>£14,814.45</u>

(3) The respondent is ordered to pay the claimant £14,814.45.

REASONS

- 1 In this case the respondent has a complicated succession of company names. If one checks on Companies House the original respondent named in the ETI claim form, Harlequin Worldwide Travel Ltd, shows as a dormant company which means it has never traded. Therefore it cannot possibly have been the claimant's employer. Some research from the claimant's payslips shows the name of another company, HQ Worldwide Ltd, which does appear to be a live trading company with all accounts and confirmation statements paid up to date unlike the other company.
- 2 There is another name which appears on the claimant's payslips, HQ Travel Ltd. That company does not exist on the register of companies. It was a previous trading name of the present respondent which has been amended to HQ Worldwide Ltd.
- 3 I am satisfied that the respondent does not need re-service of proceedings. I am informed by the claimant, indirectly, that the respondent has notice of these tribunal proceedings which were properly served at 16-18 High Street, Wickford which consistently appears to have been the respondent's registered office. It was the same for Harlequin Worldwide Travel Ltd, the dormant company and also another dormant company, Harlequin Property South East Ltd. (This is a company that specialised originally in overseas property and latterly travel and resort holidays in the Caribbean - St Lucia and St Vincent).
- 4 The respondent is run by Mr David Ames chairman. The travel business is run by his son Dan Ames and Mr David Ames' wife Carol Ames.
- 5 The claimant's life since termination has consisted of claiming her maternity pay from HMRC because the respondent never paid it, having assured her he would pay it. Her maternity leave for 6 months is due to expire on 21 October. She gave birth on 25 April to her first child. She will find work after that for a small amount. That is the best she can do for now, given the circumstances of losing her job so suddenly in the middle of her pregnancy. She has found a job at a local school, helping at lunchtimes; it will be £175 per month.
- 6 If the claimant had not been dismissed she would have returned to her work after maternity leave. The respondent would not have had to pay the maternity pay from its own funds because it claims it back from HMRC, setting it against its PAYE and NI owed to HMRC. All that has happened is the claimant was forced to get it from source rather than via the respondent.

7 The claimant's loss of earnings runs from the end of her maternity leave. Therefore it does not overlap with the notice pay that she was owed - 9 weeks. The effective date of termination was 3 January 2017.

8 I am not ordering the respondent to additionally refund the tribunal fee since the *UNISON* case has found the tribunal fees to be unlawful they are refunded directly by the Ministry of Justice.

9 The respondent is fortunate that the claimant's legal team is not asking for costs in the circumstances. The respondent has completely ignored this claim, which is a legitimate claim from a woman who was 6 months pregnant at the time of her dismissal. The base-line salary figures have all been worked out on the basis of the claimant working a 15 hour week 3 day week for the respondent. She had reduced her hours because of family commitments.

Employment Judge Prichard

11 September 2017