



EMPLOYMENT TRIBUNALS

Claimant: Miss S Shiraz
Respondent: Zoya Desserts Limited

Heard at: Leeds **On:** 3rd January 2018
Before: Employment Judge Lancaster

Representation

Claimant: In person
Respondent: Mr U Akbar

JUDGMENT

1. The claim of unfair dismissal is struck out for want of jurisdiction because the Claimant did not have the necessary 2 years' qualifying period of employment.
2. The Claimant resigned without notice and was not constructively wrongfully dismissed. The claim for breach of contract (notice pay) is dismissed.
3. The claim for failure to pay the National Minimum Wage prior to 12th January 2017 was not brought in time although it would have been reasonably practicable to have done so and is dismissed.
4. The Respondent made an unlawful deduction from the Claimant's wages by not paying her for her last 10 days worked at the agreed rate of £60.00 gross per day (£600.00).
5. The Respondent failed to pay the Claimant for her accrued but untaken holiday entitlement at the date of termination, namely 3.02 weeks at £240.00 gross (£724.80)
6. The Respondent has not unreasonably failed to comply with a relevant ACAS code of practice and it would not in any event be just and equitable to award any uplift on the above awards pursuant to section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992.
7. The Respondent is further ordered to pay to the Claimant, pursuant to section 38 of the Employment Act 2002, an additional award in the amount of 2 weeks' pay (£480.00) by reason of its failure to provide her with a written statement of the terms and conditions of employment
8. The Respondent is ordered to pay to the Claimant, taking into account the sum of £1150.00 already received, compensation in the outstanding gross sum of £654.80.

Case: 1800960/2017

9. It is declared that the Respondent failed to provide itemised pay statements at the time the Claimant's wages were paid. The Tribunal cannot however make any order in respect of the inaccuracies as to the amounts stated in the pay slips subsequently provided.

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

EMPLOYMENT JUDGE LANCASTER

DATE: 3 January 2018