



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Miss N Kimmer

Respondent
Holdens and Co

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Manchester on 4 October 2018.

EMPLOYMENT JUDGE Warren

Representation

Claimant: in person

Respondent: Miss C Elvin, consultant

JUDGMENT

1. In breach of section 1 of the Employment Rights Act 1996 the respondent failed to provide the claimant with written statement of her terms and conditions of employment. From the evidence the following terms and conditions, necessary to decide this case, were adduced:-
 - A. From March 2017 the claimant was employed by the respondent on a contract of employment, with an annual salary and based on a 42 hour working week.
 - B. If the claimant was required to work less than 42 hours a week she retained her salary. If she worked over 42 hours a week she was entitled to log her additional hours and be paid over time at the rate of eight pounds and fifty pence an hour (gross) payable in one lump sum on 30 December 2017 and annually thereafter.
 - C. The claimant did work hours in excess of 42 per week in some weeks over the summer of 2017.

- D. Under the terms of her employment the claimant was entitled to be paid in full on days when she was on sickness absence.
2. On 30 December 2017 (and ongoing) the respondent made an unlawful deduction from the claimant's wages by failing to pay the accrued lump sum.
 3. The respondent failed to pay the claimant at all for the first three days of her sickness absence and then paid the balance at the rate of statutory sick pay. These were unlawful deductions from wages.
 4. At the date of termination of her employment the claimant had accrued a total of 4 days untaken unpaid leave. She is entitled to be compensated by the respondent.

ORDERS

1. The claimant is to recalculate her schedule of loss based on this judgement and is to serve a copy on the Tribunal and respondent on or before 25 October 2018.
2. The respondent may serve a counter schedule if the figures are not agreed, on or before 14 November 2018.
3. This case will be relisted for a hearing on the issue of Remedy on 30 November 2018.

Employment Judge Warren

Signed on 15 October 2018

Oral reasons having been given at the Hearing, written reasons may be requested within 14 days

Judgment sent to Parties on

30th October 2018