



THE EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Respondent

Mrs J Sobanska-Nowak

AND

Polish Barbeque Limited

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Held at: North Shields

On: 8 December 2017

Before: Employment Judge Hargrove

Appearances

For the Claimant: Ms V Niklas, Employment Advisor

For the Respondent: Mr R Anderson, Consultant

Interpreter: Paul Wieczorek – in attendance

JUDGMENT ON REMEDIES

It is adjudged as follows:-

The claimant not pursuing a further claim for automatically unfair dismissal contrary to section 104 of the Employment Rights Act 1996, and upon consideration of the Rule 21 Judgment sent out on 15 November 2017, it is adjudged as follows:-

1 Pursuant to section 24 of the Employment Rights Act the respondent is ordered to pay to the claimant the following sums by way of underpayment of wages:-

| | | | |
|-----|---|---|------------------|
| 1.1 | For the period 17/12/16 to 28/02/17 | | |
| | 10.4 weeks x 40 hrs per week x £7.20 per hour | - | £2,995.20 |
| | Less paid in cash | - | <u>£1,000.00</u> |
| | | | <u>£1,995.20</u> |
| 1.2 | For the period 01/03/2016 to 18/06/2017 | | |
| | (As recorded as due on wage slips) | - | £2,723.53 |
| | Less paid in cash | - | <u>£1,100.00</u> |
| | | | <u>£1,623.53</u> |

- 2 Unpaid holiday pay due on termination of the claimant's employment pursuant to the Working Time Regulations 1998:-
- 11.5 days x £75.00 per day - £ 862.50
- 3 The Tribunal further awards a 10% uplift upon the above sums for failure to comply with the ACAS Code of Practice:-
- £ 448.12
- 4 The total amount of this judgment is - **£4,929.35.**

EMPLOYMENT JUDGE HARGROVE

JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON
15 December 2017