



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss E Ellis

**Respondent:** Mt TJ Molyneux T/A GMB Digital Solutions Limited

**HELD AT:** Liverpool

**ON:** 25 February 2019

**BEFORE:** Employment Judge Shotter

## REPRESENTATION:

**Claimant:** In person

**Respondent:** No attendance

## JUDGMENT

The judgment of the Tribunal is:

- (1) The claimant was paid less than the minimum wage at £7.50 per hour, and the calculations are based on the correct hourly payment of £7.83 per hour. The claimant suffered an unlawful deduction in respect of unpaid wages and the respondent is ordered to pay to the claimant the sum of £117.45 net (3 weeks @ £39.15 per week net).
- (2) The claimant was wrongfully dismissed and is entitled to damages for breach of contract and the respondent is ordered to pay to the claimant unpaid statutory notice pay in the sum of £469.80 net (12 weeks @ £39.15 net).
- (3) The claimant's claims in respect of unpaid accrued holiday pay which is well founded and the respondent is ordered to pay to the claimant the sum of £121.36 net in respect for her statutory holiday entitlement accrued and untaken (15.30 hours @ £7.83 per hour).
- (4) The claimant was unfairly dismissed and her claim for unfair dismissal is well-founded. The respondent is ordered to pay to the claimant damages for unfair dismissal in the sum of £3123.05 consisting of a basic award in the sum of £743.85 (19 weeks @ £39.15 = £743.85) and a compensatory award consisting of 12 months loss of earnings from the effective date of termination

21 July 2018 £1879.20 and loss of statutory rights in the sum of £500.00.

- (5) The respondent failed to provide the claimant with a statement of terms and conditions of employment contrary to Section 1 of the Employment Rights Act 1996 as amended, and the respondent is ordered to pay to the claimant compensation in the sum of £156.60 (4 weeks @ £39.15 per week).

25.2.19

\_\_\_\_\_  
Employment Judge Shotter  
JUDGMENT & REASONS SENT TO THE PARTIES ON

1 March 2019

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FOR THE SECRETARY OF THE TRIBUNALS



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2416238/2018**

Name of **Miss L Ellis** v **Mr T J Molyneux Gmb**  
case(s): **Digital Solutions Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **1 March 2019**

"the calculation day" is: **2 March 2019**

"the stipulated rate of interest" is: **8%**

MR J PRICE  
For the Employment Tribunal Office

## INTEREST ON TRIBUNAL AWARDS

### **GUIDANCE NOTE**

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at [www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](http://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.