



THE EMPLOYMENT TRIBUNALS

Claimant
Ms L Ellis

Respondent
Start Energy Limited

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT NORTH SHIELDS

ON 30 April 2019

EMPLOYMENT JUDGE GARNON

Appearances

For claimant in person

For respondent no attendance

JUDGMENT

- 1. The name of the respondent is amended to that shown above without the need for re-service.**
- 2. The claim of unlawful deduction of wages is well founded. I order the respondent to repay to the claimant £1278.90 gross of tax and National Insurance.**
- 3. The claim of breach of contract is well founded. I order the respondent to pay to the claimant damages of £365.38 gross of tax and National Insurance.**

REASONS

1. The claimant was employed under a written contract commencing 30 October 2018 which provided for termination on one weeks notice in the first six months. It was terminated by the respondent without notice on 22 November 2018. The claimant was not paid for any of the 17.5 days she had worked. Her salary was £19000 per annum for a five day week, giving a daily rate of £73.08 and weekly rate of £365.38.
2. Amendment to the respondent's name to add the word "Limited" without the need for re-service in my view does no injustice . The claim was validly served on 4 March 2019 at its registered office. A response was due by 1 April 2019 but none was received.

3. The law relating to unlawful deduction of wages is in Part 2 of the Employment Rights Act 1996 At common law, a contract of employment may be brought to an end only by reasonable notice and, if it is not given, damages are pay for the notice period. Due to recent changes in taxation rules such sums are now awarded gross of tax..

TM Garnon Employment Judge

Date signed 30 April 2019



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2500159/2019**

Name of case(s): **Miss L Ellis** v **Start Energy Limited**

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: **14 May 2019**

"the calculation day" is: **15 May 2019**

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

MISS K FEATHERSTONE
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

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.