



EMPLOYMENT TRIBUNALS

Claimant: Mr M Anwar

Respondent: Garsdale Knitwear Limited (in Creditors Voluntary Liquidation)

HELD AT: Manchester

ON:

24 May 2019

BEFORE: Employment Judge Franey (sitting alone)

REPRESENTATION:

Claimant: Mrs N Anwar (Claimant's wife)

Respondent: Did not attend

JUDGMENT

1. The claimant's employment terminated on 17 October 2018.
2. The respondent made an unlawful deduction from the claimant's wages for August, September and October 2018 and is ordered to pay the claimant the gross sum of **£2,075.20** unlawfully deducted from his pay.
3. The complaint of breach of contract in relation to notice pay succeeds and the respondent is ordered to pay the claimant the sum of **£1,315.44** as compensation for breach of contract. This award takes account of the likelihood that the claimant will be taxed on this figure as Post Employment Notice Pay.
4. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment in the sum of **£1,315.44** under Part XI Employment Rights Act 1996.
5. The unfair dismissal complaint is well founded. The claimant was unfairly dismissed. No basic award is made. The respondent is ordered to pay the claimant a compensatory award of **£475.22** in respect of loss of earnings after dismissal.

6. The respondent made an unlawful deduction from the claimant's wages on termination by not paying him for one week of accrued but untaken annual leave and is ordered to pay the claimant the gross sum of **£187.92** unlawfully deducted from his pay.
7. These awards are increased by four weeks' pay in the sum of **£751.68** for failure to provide a written statement of the main terms of employment.
8. The recoupment regulations do not apply.
9. The total amount awarded by this judgment is **£6,120.90**.

Employment Judge Franey

24 May 2019

JUDGMENT SENT TO THE PARTIES ON

7 June 2019

FOR THE TRIBUNAL OFFICE

Note

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

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2416410/2018**

Name of case(s): **Mr M Anwar v Garsdale Knitwear Ltd**
(in Creditors voluntary liquidation)

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: **7 June 2019**

"the calculation day" is: **8 June 2019**

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

MISS H KRUSZYNA
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.