



THE EMPLOYMENT TRIBUNAL

SITTING AT: SOUTHAMPTON

BEFORE: EMPLOYMENT JUDGE EMERTON (sitting alone)

BETWEEN:

Miss T Russ **Claimant**

AND

Monty's Bar and Restaurant Ltd **Respondent**

ON: 16 August 2019

APPEARANCES:

For the Claimant: In person
For the Respondent: Was not represented (response not received)

REMEDY JUDGMENT

Following Rule 21 liability judgment
(sent to the parties 28 January 2019)

The judgment of the tribunal is as follows:

1. Breach of contract (statutory notice pay): the tribunal orders the respondent to pay the claimant compensation of £302.20.
2. Unfair dismissal (section 99(3) of the Employment Rights Act 1996): the claimant does not qualify for a basic award, having been employed for less than a year.
3. The tribunal orders the respondent to pay the claimant a compensatory award of £8,778.00, made up as follows:
 - a. Loss of statutory rights: £350.00
 - b. Loss of wages: £3,438.00
 - c. Loss of maternity benefits: £4,990.00

4. Pregnancy and maternity discrimination: The tribunal orders the respondent to pay the claimant compensation for injury to feelings of £10,000.
5. Interest is payable on the above sum (based on discrimination running from 4 October 2018) of £692.60.
6. Holiday pay: The respondent is ordered to pay the claimant the sum of £414.40 as compensation (relating to underpayment of 10 days' holiday outstanding at termination).
7. Unauthorised deduction of wages: The respondent is ordered to pay the claimant the sum of £3,016.40 as compensation for unauthorised deductions of wages.
8. The sums of money referred to at paragraphs 6 and 7, above, are ordered gross. The respondent may make lawful deductions for tax and national insurance.

Employment Judge Emerton
Date 16 August 2019

JUDGMENT SENT TO THE PARTIES ON

4 September 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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **1405152/2018**

Name of case(s): **Miss T Russ** v **Monty's Bar and Restaurant 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: **4 September 2019**

"the calculation day" is: **5 September 2019**

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

MISS Z KENT
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.