



# EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Nos: 4114931/2019; 4114932/2019 and 4114933/2019

Ms Dawn O'Rawe

First Claimant

Ms Deborah Joss

Second Claimant

Ms Charlene Erskine

Third Claimant

Cabelo Hairdressing Limited

Respondent

## JUDGMENT

### Rule 21 of the Employment Tribunal Rules of Procedure 2013

The judgment of the Employment Tribunal is that the first, second and third named claimants' claims for payment of (a) statutory redundancy pay, (b) notice pay and (c)

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accrued but untaken holiday pay succeed and that the respondent shall pay to each claimant, respectively, the total sums set out below, being:-

- (1) In respect of the first claimant (**Dawn O'Rawe**), the total sum of **£8,193 (Eight Thousand One Hundred and Ninety Three Pounds only)**, being comprised of £5,405.00 in respect of statutory redundancy payment, £2,556.00 in respect of payment in lieu of notice and £232.00 in respect of unpaid holiday pay.

- (2) In respect of the second claimant (**Deborah Morrison Joss**), the total sum of **£4,254.70 (Four Thousand Two Hundred and Fifty Four Pounds and seventy pence)**, being comprised of £2,119.50 in respect of statutory redundancy payment, £1,884.00 in respect of payment in lieu of notice and £251.20 in respect of unpaid holiday pay.
  
- (3) In respect of the third claimant (**Charlene Erskine**), the total sum of **£4,291.60 (Four Thousand Two Hundred and Ninety One Pounds and sixty pence)**, being comprised of £2,016.00 in respect of statutory redundancy payment, £2,007.60 in respect of payment in lieu of notice and £268.00 in respect of unpaid holiday pay.

## **REASONS**

1. A copy of the claim form setting out all three claimants' complaints was sent to the respondent on 31 December 2019.
  
2. In accordance with the terms of Rule 16 of the Rules to be found in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 the respondent was required to enter a response within twenty eight days of the date on which a copy of the claim was sent to it/him/her but failed to do so.

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3. The claimants' representative was asked to provide some further information on the quantification of the claimants' claims and an Employment Judge then decided that on the available material a determination could properly be made without a hearing as to the liability of the respondent for the claim.
  
4. On the basis of the available material the Employment Judge decided she could properly determine remedy as follows:-
  - (a) In respect of the first claimant (Dawn O'Rawe), the respondent shall pay to the first claimant the sum the total sum of £8,193 (Eight Thousand One

Hundred and Ninety Three Pounds only), being comprised of £5,405.00 in respect of statutory redundancy payment, £2,556.00 in respect of payment in lieu of notice and £232.00 in respect of unpaid holiday pay.

The redundancy payment to the first claimant is calculated on the basis of the first claimant's service from 01/02/1989 until 25/10/2019, entitling her on application of to 13 x £230.00 (being the amount of a full week's gross pay) plus 7 x £345.00 ((being the amount of a week and a half's week's pay).

The payment in lieu of notice to the first claimant is calculated with regard to her length of service being in excess of 12 years, and is therefore the statutory maximum of 12 x £213 (her net week's pay).

Holiday pay is calculated on the basis of the first claimant being due payment in respect of 4 holidays (4 x £58.00)

- (b) In respect of the second claimant (Deborah Morrison Joss), the respondent shall pay to the second claimant the sum total sum of £4,254.70 (Four Thousand Two Hundred and Fifty Four Pounds and seventy pence), being comprised of £2,119.50 in respect of statutory redundancy payment, £1884.00 in respect of payment in lieu of notice and £251.20 in respect of unpaid holiday pay.

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The redundancy payment to the second claimant is calculated on the basis of the second claimant's service from 28/1/2003 until 25/10/2019, entitling her to 5 x £78.50 (being the amount of a half week's gross pay) plus 11 x £157.00 ((being the amount of a full week's pay).

The payment in lieu of notice to the second claimant is calculated with regard to her length of service being in excess of 12 years, and is therefore the statutory maximum of 12 x £157.

The payment in respect of accrued but untaken holidays to the second claimant is calculated on the basis of the second claimant being due payment in respect of 8 holidays (8 x £31.40)

- (c) In respect of the third claimant (Charlene Erskine), the respondent shall pay to the third claimant the sum the total sum of £4,291.60 (Four Thousand Two Hundred and Ninety One Pounds and sixty pence), being comprised of £2,016.00 in respect of statutory redundancy payment, £2,007.60 in respect of payment in lieu of notice and £268.00 in respect of unpaid holiday pay.

The redundancy payment to the third claimant is calculated on the basis of the third claimant's service from 16/09/2004 until 25/10/2019, entitling her to 6 x £84.00 (being the amount of a half week's gross pay) plus 9 x £168.00 ((being the amount of a full week's gross pay).

The payment in lieu of notice to the third claimant is calculated with regard to her length of service being in excess of 12 years, and is therefore the statutory maximum of 12 x £167.30( amount of net weekly pay).

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The payment in respect of accrued but untaken holidays to the third claimant is calculated on the basis of the third claimant being due payment in respect of 8 holidays (8 x £33.50)

Employment Judge: Claire McManus  
Date of Judgement: 27 February 2020  
Entered in register: 03 March 2020  
And copied to parties