



EMPLOYMENT TRIBUNALS

Claimant
Miss S Harvey

v

Respondent
Millers Hair & Beauty Ltd

Heard at: Bristol

On: 1 May 2020

Before: Employment Judge Midgley

Appearances

For the Claimant: Miss S Harvey, supported by Mr G Harvey
For the Respondent: Did not attend

The hearing was conducted by the parties attending **by telephone**. It was held in **public with the Judge sitting in open court** in accordance with the Employment Tribunal Rules. **It was conducted in that manner because a face to face hearing was not possible in light of the restrictions imposed by the Health Protection (Coronavirus, Restriction)(England) Regulations 2020 and it was in accordance with the overriding objective to do so.**

JUDGMENT

1. The Claimant's claim of breach of contract (in respect of notice pay) and accrued but unpaid annual leave are well founded and succeed.
2. The Respondent's employer's counter claim in respect of overpayment of annual leave is not well founded and is dismissed.
3. A claim of failure to provide written particulars of employment (contrary to s.38 EA 2002) was added of the Tribunal's own motion and is well founded and succeeds.
4. The Respondent failed to pay the Claimant notice pay, accrued but untaken annual leave on termination of her employment and failed to provide the Claimant with written particulars of employment and is Ordered to pay the Claimant the following sums:
 - 4.1. Breach of contract - 1 weeks' pay (calculated using the national minimum wage for apprentices over the age of 18 from 1 April 2019 of £6.15 x 32 hours) amounting to **£196.80 gross**.

- 4.2. Accrued by untaken annual leave (calculated using a yearly entitlement of 22.4 days, a leave year commencing on 1 August and deducting 13 days annual leave which were taken) amounting to £263.55 gross; to be paid **net £258.46**.
- 4.3. Failure to provide written particulars of employment - 4 weeks' gross pay **£787.20 gross**.

Employment Judge Midgley
Bristol
Dated **1 May 2020**

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.