



EMPLOYMENT TRIBUNALS

Claimant: Mrs I Jastrzebska

Respondent: Chelsea Childrenswear Limited

Heard at: Liverpool

On: 1 October 2020

Before: Employment Judge Aspinall

REPRESENTATION:

Claimant: in person, supported by her son

Respondent: Mr Naseem, supported by Mr Chothani

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's claim for unfair dismissal succeeds.
2. The claimant's claim for breach of contract (notice pay) also succeeds but no separate damages for breach of contract are awarded.
3. The claimant's claim for holiday pay succeeds.
4. Today's hearing was conducted by CVP with the claimant supported by a Polish interpreter on CVP and the respondent supported by a Punjabi interpreter by telephone. At the conclusion of the hearing, having given oral judgment and following difficulties communicating the amounts awarded, I displayed the Schedule of Loss on the CVP screen. This was only partly visible to the claimant and respondent but not visible at all to the respondent's interpreter and may have given rise to the (false) impression that the whole amount claimed on the schedule was being awarded. It was agreed I would

confirm the amount of the award in writing. I therefore confirm the award is as follows

5. The claimant is awarded £4,506.00

Made up as follows:

| | | |
|-----|---|-------|
| 5.1 | a <u>basic award</u> of 1.5 x 4 x £304 (gross) | 1,824 |
| 5.2 | a <u>compensatory award</u> comprising | |
| | 4 x £287 (net) | 1,148 |
| | loss of statutory rights | 250 |
| 5.3 | outstanding holiday pay £57 x 4 days (less £160 paid) | 68 |
| 5.4 | 4 week's pay for failure to provide written particulars | 1,216 |

6. The recoupment regulations do not apply.

7. The parties have an extended period of 28 days from the date of this judgment being sent to them in which to apply for reconsideration.

Employment Judge Aspinall
Date: 1 October 2020

JUDGMENT SENT TO THE PARTIES ON
27 October 2020

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: **2413462/2019**

Name of case: **Mrs I Jastrzebska** v **Chelsea Childrenswear 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: 27 October 2020

"the calculation day" is: 28th October 2020

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

MR S ARTINGSTALL
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.