



EMPLOYMENT TRIBUNALS

Judgment amended in accordance with Rule 69

Claimant

Respondent

Julia Wilson

v

CELLtd Commodities

Heard at: Watford

On: 19 March 2021

Before: Employment Judge Allen sitting alone

Appearances

For the Claimant: In person

For the Respondent: Loyton Remekie, Company Director

COVID-19 Statement on behalf of Sir Keith Lindblom, Senior President of Tribunals

"This has been a remote hearing on the papers which has been consented to / not objected to by the parties. The form of remote hearing was by Video. A face-to-face hearing was not held because it was not practicable and all issues could be determined in a remote hearing. The documents that I was referred to are in the claimant's and respondent's own bundles totalling 101 pages, the contents of which I have recorded. The order made is described at the end of these reasons."

On the written application of the Respondent the judgment is amended in accordance with Rule 69.

Claim

- 1) Ms Julia Wilson claims unfair dismissal, wrongful dismissal in breach of contract and unauthorised deduction from wages (ET1 lodged on 13 March 2020).
- 2) Claimant and Respondent agree employment commenced on 13 June 2019 and effective date of termination was 21 February 2020.

JUDGMENT

- 3) The claim for unfair dismissal in accordance with S94 Employment Rights Act 1996 (ERA) is not well founded and is dismissed on the grounds of jurisdiction; the claimant having been employed for less than 2 years.

[S108(1) ERA excludes the right to bring a claim under S94 ERA unless the employee has been continuously employed for a period of not less than 2 years ending with the effective date of termination].

- 4) The claim for wrongful dismissal is well founded. [inserted on 27 May 2021]
- 5) The Respondent failed to provide the claimant with adequate notice in accordance with S86(1) of the Employment Rights Act 1996 and the respondent is ordered to pay damages to the claimant in the gross sum of

£865.39.

All payments in lieu of notice are taxable earnings and the usual deductions (including tax and national insurance) are to be made from the gross sum by the respondent before payment to the claimant. [inserted on 27 May 2021].

- 6) The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the gross sum of

£3,257.20.

In respect of salary due between 26 January and 21 February 2020. (1 month salary less 4 days). These are taxable earnings and the usual deductions (including tax and national insurance) are to be made from the gross sum by the respondent before payment to the claimant. [inserted on 27 May 2021].

- 7) The respondent failed to pay the claimant in respect of holiday accrued but not taken during the period of employment and the respondent is ordered to pay the claimant the gross sum of

£268.58.

15 days taken at Effective Date of Termination. 8 months 8 days employment - 17.18 days holiday accrued minus 15 days taken = 2.18 days outstanding.

25 days per year holiday entitlement - accrued 2.08 days per month; 0.068 days per day 25 days holiday divided by 365.25 days per year.

These are taxable earnings and the usual deductions (including tax and national insurance) are to be made from the gross sum by the respondent before payment to the claimant. [inserted on 27 May 2021].

- 8) The respondent failed to pay the claimant expenses incurred in the course of her employment and is ordered to pay the claimant the sum of

£49.50.

Employment Judge Allen

Date: 12 May 21

Sent to the parties on: 17 May 21

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.