



EMPLOYMENT TRIBUNALS

Claimant: Ms G Gentile

First Respondent: York Investments Limited

Second Respondent: Pridegreen Limited

Heard at: London Central by video (CVP)

On: 4 October 2021

Before: Employment Judge E Burns (sitting alone)

Appearances:

For the Claimant: Mr L Betchley, Counsel

For the Respondents: Mr Paul Fizia

JUDGMENT ON RECONSIDERATION

- (1) The first respondent's application for reconsideration of the judgment made under Rule 21 and dated 16 December 2020 is granted. The judgment is revoked and the following stands in its place.
- (2) The decision of the employment tribunal is that the second respondent was the claimant's employer. The second respondent has been the corporate vehicle which the respondent uses to employ people who work at the London Elizabeth Hotel since around May 2019.
- (3) The second respondent accepts that it has:
 - (a) failed to pay the claimant, her correct wages and has therefore made an unlawful deduction from her wages of £1,765.27 (gross)
 - (b) failed to pay the claimant her correct holiday pay and has therefore made an unlawful deduction of wages of £296.87 (gross)
 - (c) failed to provide the claimant with a statement of the terms and conditions of her employment contrary to section 1 of the Employment Rights Act 1996; and

- (d) failed to provide the claimant with all itemised pay statements contrary to section 8 of the Employment Rights Act 1996.
- (4) The second employer does not accept that it owes the claimant notice pay. It says she left without giving notice. The claim for notice was brought as a claim for wrongful dismissal. The claimant says she left her employment without giving notice because the circumstances were such that she could not remain in her employment. As the second employer has failed to present a response, I decided that it was not appropriate for it to be given an opportunity to adduce evidence on this point. I am satisfied that failing to pay the claimant amounts to a repudiatory breach of contract and that the claimant should succeed in this case. I therefore award the claimant £459.76 (net)
- (5) The tribunal orders the second respondent to pay to the claimant, within 14 days of the date of this judgment, namely by 18 October 2021, the following:
- £2,062.14 (gross) from which deductions for income tax and employee national insurance can be made;
 - £459.76 (net) which should be paid in full without deductions; and
 - £1,839.04 being four weeks' pay ordered under section 38 of the Employment Act 2002. No deductions should be made from this payment.
- (6) The respondents were ordered to pay the claimant's costs for the hearing on 17 September 2021 of £780 (£650 plus VAT) under Rule 76(1)(c), but the order was incomplete. The order is remade. The respondents are ordered to pay the claimant **£780**. Their liability is joint and several and payment should be made by 18 October 2021.

Employment Judge E Burns

4 October 2021

Sent to the parties on:

04/10/2021

For the Tribunal: