



EMPLOYMENT TRIBUNALS

Claimant: Ms Linda Warner

Respondent: NCM Catering Ltd

Heard at: London South by CVP **On:** 10 January 2022

Before: Employment Judge Tsamados (sitting alone)

Representation

Claimant: Mr A Lo, Counsel

Respondent: did not attend, no response received

This has been a remote hearing which was not objected to by the parties. The form of remote hearing was video by Cloud Video Platform (CVP). A face to face hearing was not held because it was not practical because of the Covid-19 virus.

JUDGMENT

Judgment already having been given under rule 21 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 on 28 September 2021, the claimant is now awarded the total sum of **£9,080.01** payable by the respondent in respect of her complaints of entitlement to a statutory redundancy payment, unfair dismissal, unauthorised deductions from wages and damages for breach of contract.

The total sum is broken down in respect of each of her complaints as follows:

Statutory Redundancy Payment

£812.79

This is based on 3 complete years of service from 3 October 2016 to her effective date of termination (“EDT”) of 1 October 2020, at which time she was aged 64, her gross pay was £180.62 per week (£8.21 per hour for 22 hours per week) and a multiplier of 1.5 for each complete year of service.

Unfair Dismissal

Basic Award

This is reduced to nil by the award in respect of the statutory redundancy payment.

Compensatory Award

Accrued loss of earnings

£5,890.53

This is based on her net loss of earnings from the EDT to the date of this hearing less earnings received from new employment from 21 July 2021 to date: 52 x £180.62 net less £3,501.71 net.

The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply.

Future loss

No future loss is claimed, the claimant's new earnings being in excess of her previous earnings from the respondent.

Pension loss

£281.84

This is based on loss of 3% employer's pension contributions for the period of the compensatory award: 52 x £5.42.

Loss of statutory rights

£500

Expenses incurred in looking for new employment

£50

Total compensatory award

£6,722.37

Unauthorised deductions from wages

Unpaid Furlough wages

£133.55

This is in respect of unpaid 7 days' furlough wages from 1 to 9 September 2020.

Accrued but untaken holiday entitlement

£869.44

This is based on an accrued entitlement to annual leave of 122.9 hours for the leave year commencing 3 October 2020 to the EDT less 17 hours leave taken: 122.9 less 17 x £8.21 per hour.

Damages for breach of contract

£541.86

This is based on 3 weeks' entitlement to statutory notice which the claimant should have received: 3 x £180.62.

Grand total

£812.79 + £6,722.37 + £133.55 + £869.44 + £541.86 = **£9,080.01**

Employment Judge Tsamados
Date: 10 January 2022

Sent to the parties on
Date: 17 January 2022

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 Judgments

All judgments and written reasons for the judgments are published online shortly after a copy has been sent to the Claimant(s) and Respondent(s) in a case. They can be found at: www.gov.uk/employment-tribunal-decisions.