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## EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4103551/2020 (V)

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**Public Final Hearing held in Glasgow by Cloud Based Video Platform  
(CVP) on 16 December 2021 at 10am**

**Employment Judge Mr. A. Tinnion**

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**Miss Amanda Feeney**

**Claimant  
In person**

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**Ms. Amanda Dallas t/a “La Grande Boutique”**

**Respondent  
No attendance**

### JUDGMENT

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1. The Respondent (i) being on notice of today’s Final Hearing (ii) having emailed the Tribunal on 9 December 2021 stating she will be on holiday abroad from 15 December 2021 until 13 January 2022 (iii) having not requested an adjournment of the Final Hearing in either that email or in her subsequent email to the Tribunal sent on 15 December 2021, the Tribunal exercises its power under Rule 47 to proceed with the Final Hearing in the Respondent’s absence.
2. The Claimant not having received any payslips until after her dismissal on 8 June 2020, the Tribunal is satisfied that (a) it was not reasonably practical for the Claimant’s wage complaint under ss.13(1)-23(1) of the Employment Rights Act

1996 in respect of the period 15 January – 4 February 2020 to be presented before the relevant period of 3 months (b) that such complaint was presented within a further reasonable period.

5 3. The Claimant's wage complaint under ss.13(1)-23(1) of the Employment Rights Act 1996 in respect of the period 15 January – 4 February 2020 is well-founded. The Respondent shall pay the Claimant the sum of **£49.26**, calculated as follows:

a. period of unlawful deduction/underpayment = 3 weeks (15 January – 4 February 2020)

10 b. amount of weekly deduction/underpayment = £16.42 (£186.33 wage entitlement - £169.91 wage paid)

c. 3 weeks x £16.42 = £49.26

4. The Claimant's wage complaint under ss.13(1)-23(1) of the Employment Rights Act 1996 in respect of the period 4 March – 8 June 2020 is well-founded. The Respondent shall pay the Claimant the sum of **£987.32**, calculated as follows:

15 a. period of unlawful deduction/underpayment = 13 6/7 weeks (4 March – 8 June 2020)

b. amount of weekly deduction/underpayment = £71.25 (£241.16 wage entitlement - £169.91 wage paid)

c. 13 6/7 weeks x £71.25 = £987.32

20 5. The Claimant's complaint of breach of contract/wrongful (summary) dismissal under article 6 of the Employment Tribunals Extension of Jurisdiction (Scotland) Order 1994 is well-founded. The Respondent shall pay the Claimant the sum of **£241.16** (one week's notice pay).

6. The Claimant's complaint under ss.13(1)-23(1) of the Employment Rights Act 1996 and/or r.14(2) of the Working Time Regulations 1998 is well-founded. The Respondent shall pay the Claimant the sum of **£542.61**, calculated as follows

5 a. total holiday leave entitlement accrued during period 3 September 2019 – 8 June 2020 = 16 days

b. total holiday leave taken during period 3 September 2019 – 8 June 2020 = 7 days

c. Claimant's outstanding holiday leave as of 8 June 2020 = 9 days

d. 9 days x £60.29/day = £542.61

10 7. The total sum the Respondent must pay the Claimant in satisfaction of this Judgment is **£1,820.35** (£49.26 plus £987.32 plus £241.16 plus £542.61).

Note

15 1. Employment Tribunal decisions, judgments and orders are published online after they have been sent to the parties. Reasons for this Judgment having been given orally at the hearing, written reasons will not be provided unless they are asked for by any party at the hearing itself or by a written request presented within 14 days of the sending of the written record of the decision. If no such request is received, the Tribunal shall provide written reasons only if requested to do so by the Employment Appeal Tribunal or a court.

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**Employment Judge: A Tinnion**  
**Date of Judgment: 16 December 2021**  
**Entered in register: 25 January 2022**  
25 **and copied to parties**