



EMPLOYMENT TRIBUNALS

Claimant: Ms N Niknejad

Respondents: (1) Hotel Management Services Limited and (2) Hotelwala Limited

Heard at: Midlands West Employment Tribunal via video hearing

On: 6 and 7 June 2022

Before: Employment Judge Fitzgerald

Representation

Claimant: In person via CVP

Respondent: Mr Mian of Counsel

JUDGMENT

The Judgment of the Tribunal is that:

1. The Claimant's employment transferred to the Second Respondent under the Transfer of Undertakings (Protection of Employment) Regulations 2006 in June 2020. Therefore, the correct Respondent to this claim is the Second Respondent, Hotelwala Limited.
2. The Claimant's claim of wrongful dismissal (notice pay) is successful and the Second Respondent is ordered to pay the Claimant £297.50 notice pay.
3. The Claimant's claim of holiday pay is successful and the Second Respondent is ordered to pay the Claimant £2,558.50 holiday pay.
4. The Claimant's claim for unlawful deduction of wages is partly successful. The first part of her claim relating to an alleged underpayment on 14 April 2020 was lodged out of time and it was reasonably practicable for this claim to have been lodged in time. Therefore, this aspect of the claim fails and is dismissed. However, the unlawful deduction of wages claim relating to unpaid furlough pay is successful and the Second Respondent is ordered to pay the Claimant £1,189.50 net wages.
5. The Claimant was not provided with a written statement of particulars at the time these proceedings were commenced and an award of 4 weeks' pay is made. The Second Respondent is ordered to pay the Claimant £1,190.

6. The Second Respondent may deduct any necessary sums for tax and national insurance from the payments detailed at paragraphs 2 and 3 above.

Employment Judge Fitzgerald
7 June 2022

Notes

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.

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