

**Case Nos:2400752/22;
2400753/22; 2400754/22;
2400756/22; 2400757/22;
2400758/22; 2400761/22**



EMPLOYMENT TRIBUNALS

Claimants: Miss C. Martin, Mr J Duckworth and Miss J Grounds

Respondent: HH Valves Limited

Heard at: Manchester (by CVP) **On:** 28 July 2022

Before: Employment Judge Leach

Representation

Claimants: In person

Respondent: Did not attend

JUDGMENT

1. The claimants were unfairly dismissed by the respondent on 5 October 2021.
2. The principal reason for dismissal was redundancy and each claimant is entitled to a statutory redundancy payment.
3. The dismissals were without notice. Each claimant is entitled to statutory minimum notice period of 12 weeks.
4. The Claimant, Mr Duckworth also succeeds in his claim for breach of contract (failure to provide notice).
5. Each claimant suffered a series of unlawful deductions from their wages.
6. Each claimant is entitled to be paid for accrued untaken holidays.
7. The amounts owing (taking into account mitigation) to each claimant are set out in the Schedules attached.

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8. The respondent is **ORDERED** to pay to each claimant the amounts set out in the Schedules attached.
9. The recoupment provisions do not apply to this Judgment.

Employment Judge Leach

Date: 28 July 2022

JUDGMENT SENT TO THE PARTIES ON

1 August 2022

FOR THE TRIBUNAL OFFICE

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

SCHEDULE ONE

Claimant: Miss Joanne Grounds

Dates of continuous employment: 01 March 2001 – 05 October 2021

Date of birth; 20 April 1974

- A. Statutory redundancy payment: **£12,512**
- B. Unpaid Wages (7 weeks ending on 5 October 2021, whilst entitled to payments under the Coronavirus Job Retention Scheme @ £503.10 per week) **3521.70 gross**
- C. Accrued untaken holidays. The claimant accrued 21 days statutory holiday entitlement in the year up to 5 October 2021. The terms of employment provide that the holiday year is the calendar year. **£2641.17 gross**
- D. Notice Pay. The claimant has a statutory entitlement to a minimum of 12 weeks' notice. She also has a contractual entitlement to 12 months' notice. The claimant's claim is limited to loss of notice for the statutory minimum 12 weeks period. The claimant took reasonable steps to mitigate her loss. Her entitlement is as follows: loss of 12 weeks pay £7546.20. Less earnings in mitigation (£2636.40). Amount of damages/compensation ordered:- **£4909.80 gross**

Dated
28 July 2022

SCHEDULE TWO

Claimant: Miss Claire Martin

Dates of continuous employment: August 2005 – 05 October 2021

Date of birth; 27 February 1974

- A. Statutory redundancy payment: **£10,336**
- B. Unpaid Wages (7 weeks ending on 5 October 2021, whilst entitled to payments under the Coronavirus Job Retention Scheme @ £461.50 per week) **3230.50 gross**
- C. Accrued untaken holidays. The claimant accrued 21 days statutory holiday entitlement in the year up to 5 October 2021. The terms of employment provide that the holiday year is the calendar year. **£2422.98 gross**
- D. Notice Pay. The claimant has a statutory entitlement to a minimum of 12 weeks' notice. She also has a contractual entitlement to 12 months' notice. The claimant's claim is limited to loss of notice for the statutory minimum 12 weeks period. The claimant took reasonable steps to mitigate her loss. Her entitlement is as follows: loss of 12 weeks' pay £6923.04. Less earnings in mitigation (£4449.60). Amount of damages/compensation ordered:- **£2473.44 gross**

Dated
28 July 2022

SCHEDULE THREE

Claimant: Mr Geoffrey Duckworth

Dates of continuous employment: August 2000 – 05 October 2021

Date of birth; 20 October 1952

- A. Statutory redundancy payment: **£16,320**
- B. Unpaid Wages (9 weeks ending on 5 October 2021, whilst entitled to payments under the Coronavirus Job Retention Scheme @ £529.48 per week) **4765.32 gross**
- C. Accrued untaken holidays. The claimant accrued 17.5 days statutory holiday entitlement in the year up to 5 October 2021. The terms of employment provide that the holiday year is the calendar year. **£2895.55 gross**
- D. Notice Pay. The claimant has a statutory entitlement to a minimum of 12 weeks' notice. He also has a contractual entitlement to 12 months' notice.
- Statutory minimum notice entitlement: **£6545.28 Gross**
- The claimant claims additional compensation for breach of the 12-month contractual entitlement. Taking in to account the duty to mitigate his loss, the claimant is awarded an additional 14 weeks' pay as compensation for loss of notice (breach of contract) . This amounts to: **£9265.90 gross**

Dated
28 July 2022

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NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case numbers: **2400752/2022, 2400753/2022, 2400754/2022
2400756/2022, 2400757/2022, 2400758/2022
2400761/2022**

Name of cases: **Miss C Martin** v **HH Valves Ltd**
Miss J Grounds
Mr G Duckworth

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant judgment day" is: 1 August 2022

"the calculation day" is: 2 August 2022

"the stipulated rate of interest" is: 8%

For the Employment Tribunal Office