



EMPLOYMENT TRIBUNALS

Claimant: Emily Szmaglik

Respondent: Midway Social Club Limited

Heard at: Bristol Employment Tribunal via VHS **On:** Thursday, August 11, 2022

Before: Employment Judge Mr. M. Salter

Representation:
Claimant: Ms. T. Hand, counsel.
Respondent: Not in attendance and no representation

JUDGMENT

Having heard evidence from the Claimant and having read her schedule of loss, it is the judgment of the tribunal that:

1. The Claimant's claim that:
 - (a) she was unfairly dismissed is well-founded and accordingly succeeds;
 - (b) she is entitled to a redundancy payment succeeds;
 - (c) contrary to Section 13 of the Employment Rights Act 1996 the Respondent has made unlawful deductions from the wages of the claimant succeeds;
 - (d) she was wrongfully dismissed succeeds;
 - (e) she was not provided with a written statement of terms and conditions of employment succeeds.

2. The Respondent shall pay to the Claimant the following amounts:

Unlawful Deduction from Wages

3. The Respondent has made the following unlawful deduction from the Claimant's wages:
 - (a) Shortfall in wages from 17th September to 30th September 2021: £359.96
 - (b) Non-payment of wages from 1st October 2021 until dismissal on 29th October 2021: £899.92
 - (c) Payment for accrued but untaken holiday pay: £1,830.65

4. It is just and equitable in the circumstances for the above to be uplifted by 25% owing to the Respondents' unreasonable failure to follow the ACAS Code of practice on Disciplinary and Grievance Procedures: £772.63
5. Total Unlawful deduction from Wages: **£3,863.16**

Redundancy Payment

6. The Respondent do pay the Claimant a redundancy payment in the sum of **£1,349.88**.

Wrongful Dismissal

7. The Claimant was entitled to 6 weeks' notice at £225.98 per week: **£1,349.88** for the period from 30th October 2021 until 4th December 2021.

Unfair Dismissal

8. The Respondent do pay the Claimant a Compensatory Award of £5,670.90 for the period 5th December 2021 to 11th February 2023 consisting of
 - (a) Losses to date of hearing consisting of lost pay and pension contributions, loss of statutory rights (£450): £2,913.54
 - (b) Future losses from date of hearing to 11th February 2023, for lost pay and pension contributions: £903.24
9. It is just and equitable in the circumstances for the above to be uplifted by 25% owing to the Respondents' unreasonable failure to follow the ACAS Code of practice on Disciplinary and Grievance Procedures: £954.20
10. Total Compensatory award: **£4,770.98**
11. The Recoupment Regulations do not apply to this award.

Failure to Provide a written Statement of Terms and Conditions of Employment

12. The award shall be four weeks' pay at £224.98 per week: **£899.92**

Employment Judge Salter
Thursday, 11 August 2022

JUDGMENT SENT TO THE PARTIES ON
30 August 2022 By Mr J McCormick

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.

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.