



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs S Jabeen

**Respondent:** Gill Healthcare Limited

**HELD AT:** Liverpool

**ON:** 31 August 2022

**BEFORE:** Employment Judge Shotter

## REPRESENTATION:

**Claimant:** In person

**Respondent:** No attendance

## JUDGMENT

The judgment of the Tribunal is:

- (1) The respondent was in fundamental breach of contract and the claimant constructively unfairly dismissed. The claimant's claim for unfair dismissal is well founded.
- (2) The claimant is entitled to a compensation payment for unfair dismissal and the respondent is ordered to pay to the claimant, who was 39 years of age at the effective date of termination, the sum of £1813.53 consisting of a basic award of £369.77 (184.89 x 2) and a compensatory award of £943.76 (loss of earnings 6 to 24 December 2021 12 days @ £36.98 per day and loss of statutory rights £500).
- (3) The claimant's claim for unpaid accrued holidays brought under the Working Time Regulations 1998 is well founded and the respondent is ordered to pay to the claimant the sum of accrued unpaid holiday £332.82 (9 days @ £36.98 gross less lawful deductions of tax and national insurance).
- (4) The claimant suffered an unlawful deduction of wages for the period of 1 to 30

November and 1 to 5 December 2021 and her claim for unpaid wages is well-founded. The respondent is ordered to pay to the claimant the sum of £1,167.21 (85 hours for November and 46 hours December 2021 @ £8.91 per hour).

- (5) The respondent failed to pay the claimant for holidays taken from 1 September 2019 to 5 December 2021 and the claimant's claim for unlawful deduction of wages is well founded. The respondent is ordered to pay to the claimant the sum of £2494.80 (280 hours @ £8.91 per hour).
- (6) The respondent failed to pay to the claimant the National Minimum Wage from 1 April 2020 to 31 March 2021 at £8.72 per hour, and 1 April 2021 to 5 November 2021 at £8.91 per hour and is ordered to pay to the claimant the difference totalling £332.11.
- (7) The respondent failed to provide the claimant with a statement of terms and condition of employment under section 1 of the Employment Rights Act 1996 and is ordered to pay 4 weeks salary at £184.89 per week totalling £739.56.

## **REASONS**

The respondent having failed to present a response to the claimant's claim within the appropriate period, judgment is entered for the claimant, the Tribunal having heard oral evidence from the claimant under oath and given oral reasons on the day.

---

31.8.22

Employment Judge Shotter

JUDGMENT SENT TO THE PARTIES ON  
15 September 2022

FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

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



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2402358/2022**

Name of case: **Mrs S Jabeen** v **Gill Healthcare Ltd**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

**the relevant decision day** in this case is: 15 September 2022

**the calculation day** in this case is: 16 September 2022

**the stipulated rate of interest** is: **8% per annum**.

Mr S Artingstall  
For the Employment Tribunal Office

## GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:  
[www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](http://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.