



EMPLOYMENT TRIBUNALS

Claimant: (1) Mr Lukas Allman (2) Ms Veronika Kurimska

Respondent: (1) Costal and Country Devonshire Arms Ltd (trading as Coastal and Country Devonshire Arms Ltd) (2) Coastal and Country Devonshire Arms Ltd (3) The Owl at Hawnby Ltd (4) Coastal and Country Holdings Ltd; (5) Costal & Country Inns

Heard at: Leeds by CVP

On: 13 December 2022

Before: Employment Judge Evans (sitting alone)

Representation

Claimant: in person

Respondents: did not attend and were not represented

This has been a remote hearing. The form of remote hearing was by video (CVP).

JUDGMENT

1. The First and Second Claimants were employees of Costal and Country Devonshire Arms Ltd (trading as Coastal and Country Devonshire Arms Ltd) (“the First Respondent”) from 14 June 2019 until 10 June 2022.

Unfair dismissal

2. The First Respondent unfairly dismissed the First and Second Claimants with effect from 10 June 2022.

3. The weekly pay on 10 June 2022 of:

3.1. The First Claimant was £654 gross and £510 net; and

3.2. The Second Claimant was £404 gross and £346 net.

4. The Employment Protection (Recoupment of benefits) Regulations do not apply.

5. The First Respondent is ordered to pay:

5.1. The First Claimant a basic award of £1,142 and a compensatory award of £9,719 in respect of his unfair dismissal;

5.2. The Second Claimant a basic award of £808 and a compensatory award of £9,838.50 in respect of her unfair dismissal.

Notice worked but not paid

6. Each of the Claimants was entitled to four weeks' notice under their contract of employment. They worked but were not paid for this notice period. The First Respondent is ordered to pay:

6.1. The First Claimant £3,270 in respect of notice worked but not paid. This amount is the amount due of £2,616 increased by 25% pursuant to section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the 1992 Act").

6.2. The Second Claimant £2,020 in respect of notice worked but not paid. This amount is the amount due of £1,616 increased by 25% pursuant to section 207A of the 1992 Act.

Unauthorised deductions from wages

7. The First Respondent made unauthorised deductions from the wages of each of the Claimants in breach of section 13 of the Employment Rights Act 1996 in respect of the period 1 January 2022 to 12 May 2022. The First Respondent is ordered to pay:

7.1. The First Claimant £6,013.75. This amount is the amount deducted from his wages of £4,811 increased by 25% pursuant to section 207A of the 1992 Act;

7.2. The Second Claimant, £2,968.75. This amount is the amount deducted from her wages of £2,375 increased by 25% pursuant to section 207A of the 1992 Act.

Holiday pay

8. The First Respondent failed to pay the Claimants the compensation due to them under Regulation 14 of the Working Time Regulations 1998 on the termination of their employment in respect of accrued but untaken holiday. The Claimants were both entitled to a payment in respect of five weeks accrued but untaken holiday. Accordingly, the First Respondent is ordered to pay:

8.1. The First Claimant £4,087.50. This amount is the amount due of £3,270 increased by 25% pursuant to section 207A of the 1992 Act;

8.2. The Second Claimant £2,525. This amount is the amount due of £2,020 increased by 25% pursuant to section 207A of the 1992 Act.

Pension contributions

9. The Claimants had a contractual right to participate in a pension scheme with employer and employee contributions each set at 3%. The First Respondent acted in breach of a contract of employment by failing to pay employer contributions and by deducting employee contributions but not paying them into the pension scheme. Accordingly, the First Respondent is ordered to pay the following amounts as damages for breach of contract:

9.1. To the First Claimant £6,278.40. This is the amount due of £5,022.72 (£2,870.20 in respect of employee contributions and £2,152.52 in respect

of employer contributions) increased by 25% pursuant to section 207A of the 1992 Act.

- 9.2. To the Second Claimant £3,237.15. This is the amount due of £2,589.72 (£1,479.80 in respect of employee contributions and £1,109.92 in respect of employer contributions) increased by 25% pursuant to section 207A of the 1992 Act.

Employment Judge Evans

Date: 13 December 2022