



EMPLOYMENT TRIBUNALS

Claimant: A Winter

Respondent: Aspins Bakery Limited

HELD AT: Newcastle, by video

ON: 8 December 2022

BEFORE: Employment Judge Aspden

REPRESENTATION:

Claimant: In person

Respondent: No attendance

JUDGMENT

The judgment of the Tribunal is:

1. The claimant was unfairly dismissed.
2. The claimant is entitled to a redundancy payment.
3. The claimant's complaint that the respondent breached her contract of employment by terminating it without notice is well founded.
4. The claimant's complaint that the respondent made deductions from her wages in contravention of section 13 of the Employment Rights Act 1996 by failing to pay wages earned in March 2022 is well founded.
5. The claimant's complaint that the respondent failed to pay to her holiday pay in respect of accrued but untaken holiday due under regulation 14 of the Working Time Regulations 1998 is well founded to the extent that it relates to holidays that accrued between 1 January 2022 and the termination of the claimant's employment in March 2022.

6. The claimant's complaint that the respondent failed to pay to her an amount due to her in respect of accrued but untaken holiday is not well founded to the extent that it relates to holidays that accrued before 1 January 2022.
7. The respondent must pay to the claimant the following amounts (subject to any deductions the respondent is required, by law, to make in respect of tax and/or national insurance):-
 - a. £13,328 as a statutory redundancy payment
 - b. £6,588, as damages for breach of contract
 - c. £1,098, being the amount deducted from the claimant's wages in contravention of section 13 of the Employment Rights Act 1996
 - d. £505.08, being the amount remaining due to the claimant under regulation 14 of the Working Time Regulations 1998 in respect of holiday.
8. No compensation is awarded for unfair dismissal.

Employment Judge Aspden

Date 29 December 2022

Note

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.