



# EMPLOYMENT TRIBUNALS

**Claimants:** Mr R Lane, Mr J Lane, Mr F Lane

**Respondent:** Ormskirk Fabrications Limited

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

The respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the claim in accordance with rule 21 of the Rules of Procedure.

The claims brought by the claimants of:-

1. Non-payment of holiday pay
2. Breach of contract in respect of notice pay
3. Non-payment of statutory redundancy pay

succeed to the extent set out in the attached schedules.

Employment Judge Leach

Date 15 February 2023

JUDGMENT SENT TO THE PARTIES ON

20 March 2023

FOR THE TRIBUNAL OFFICE

**Schedule One – Mr R Lane (2405945/2022)**

1. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the sum of **£5,148.00** (Statutory notice of 11 weeks at £468.00 per week).
2. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of **£4,446.00** (1 week for every complete year of service when the claimant was aged between 22 – 40:  $8 \times 1 \times £468.00 = £3,744.00$  ; 0.5 week's pay for every complete year of service when the claimant was aged under 21:  $3 \times 0.5 \times £468.00 = £702.00$ ).
3. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of **£2,152.80** (£468.00 per week divided by 5 days = £93.60 x 23 days).

**Schedule Two – Mr J Lane (2405946/2022)**

1. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the sum of **£3,744.00** (Statutory notice of 8 weeks at £468.00 per week).
2. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of **£2,808.00** (1 week for every complete year of service when the claimant was aged between 22 – 40:  $4 \times 1 \times £468.00 = £1,872.00$ ; 0.5 week's pay for every complete year of service when the claimant was aged under 21:  $4 \times 0.5 \times £468.00 = £936.00$ ).
3. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of **£1,965.60** ( $£468.00$  per week divided by 5 days =  $£93.60 \times 21$  days).

**Schedule Three – Mr F Lane (2405947/2022)**

1. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the sum of **£5,844.00** (Statutory notice of 12 weeks at £487.00).
2. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of **£9,496.50** (1.5 week for every complete year of service when the claimant was aged over 40: 13 x 1.5 x £487.00).
3. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of **£2,240.20** (£487.00 per week divided by 5 days = 97.40 x 23 days).

