



EMPLOYMENT TRIBUNALS

Claimant: SALLY ANN GIBBINS

Respondent: PHB ETHICAL BEAUTY LIMITED

HELD AT: BIRMINGHAM REMOTELY BY CVP

ON: 09/03/2023

BEFORE: EMPLOYMENT JUDGE MANLEY

REPRESENTATION

Claimant: Mr. Nadin, Solicitor

Respondent: No attendance

JUDGMENT

The judgment of the Tribunal is that:

1. The Claimant was unfairly dismissed by the Respondent, contrary to section 94 (1) of the Employment Rights Act 1996. The Tribunal makes an award of compensation to the Claimant for unfair dismissal pursuant to section 112 (4) in the sum of **£53,537.26** (net) (including both the basic, compensatory award and loss of statutory rights).
2. The Respondent failed to provide the Claimant with a statement of employment particulars contrary to section 38 (3) of the Employment Act 2002 and it is just and equitable for the higher amount to be added to the Claimant's award being the sum of **£2,284** (net).

3. The Respondent failed to give the Claimant the minimum notice period of ten weeks prescribed by section 86 of the Employment Rights Act 1996 and thereby acted in breach of contract and made an unlawful deduction pursuant to section 13 of the Employment Rights Act 1996. The Tribunal makes an award of damages, in respect of this breach in sum of **£7,220.80** (net).
4. The Respondent was in breach of Regulation 14 (2) of the Working Time Regulations 1998 as amended by Regulation 3 of The Working Time (Coronavirus) (Amendment) Regulations 2020 by failing to pay the Claimant 40 holiday pay in lieu. The Respondent is ordered to pay the Claimant damages of **£5,776.64** (net) pursuant to Regulation 30 (3) (b) of the said Regulations.
5. The Respondent acted in breach of contract by failing enrol the Claimant in a pension pursuant to section 3 of the Pensions Act 2008 (as amended) and pay the prescribed contributions. The Respondent is ordered to pay the Claimant damages for breach of contract in the sum of **£6,853.85** (net).
6. The Respondent failed to comply with the ACAS code of practice and accordingly the Tribunal find that it is just and equitable to increase the Claimant's award by 25% pursuant to section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992, which amounts to the sum of **£15,664.33** (applied to the sums at paragraphs 1 and 3 respectively, (£13,859.13 and £1,805.20)).
7. Accordingly, the Respondent is ordered to pay to the Claimant the total sum of **£67,591** (net). The Tribunal grossed up the sum of £64,947.28 resulting in a total of £117,345. Thereafter the statutory cap was applied.

Employment Judge MANLEY

Date: 13/03/23