



EMPLOYMENT TRIBUNALS

Claimant: Mrs S E Foster

Respondent: The Great Yorkshire Brewery Limited

Heard at: Leeds by CVP

On: 16 May 2023

Before: Employment Judge Tegerdine

Representation

Claimant: In person

Respondent: Did not attend

JUDGMENT

The claimant brought the following complaints:

- A claim for statutory redundancy pay;
- A claim for notice pay (breach of contract); and
- A claim for holiday pay (unlawful deduction from wages).

The judgment of the Tribunal is that:

1. The effective date of termination was 10 November 2022. Acas Early Conciliation commenced on 25 January 2022 and ended on 2 February 2023. The ET1 was submitted on 10 March 2023. The deadline for making a claim for a statutory redundancy payment (after the Acas Early Conciliation extension) was 17 May 2023, so the claim for a statutory redundancy payment was submitted within time.
2. The deadline for submission of the breach of contract and unlawful deduction of wages complaints was 2 March 2023 (after the application of the Acas Early Conciliation extension), however the ET1 was not submitted until 10 March 2023. After hearing submissions from the claimant, the Tribunal was satisfied that it was not reasonably practicable for the claimant to present her unlawful deduction from wages and breach of contract claims by 2 March 2023, and that those claims were submitted within a reasonable period thereafter. Having determined that it was not reasonably practicable for the claimant to present her claims in time and that they were submitted within a reasonable period thereafter, the Tribunal was satisfied that it had jurisdiction to consider all of the claimant's complaints.

3. The claimant's claim for breach of contract in respect of the respondent's failure to pay the claimant her statutory notice pay is well founded. The claimant was employed by the respondent for over six years, and was entitled to six weeks' statutory notice pay by virtue of section 86 of the Employment Rights Act 1996. The claimant's gross weekly pay, while she was employed by the respondent, was £316.80. She is therefore entitled to statutory notice pay of £1,900.80 (6 weeks x £316.80). **The respondent shall pay to the claimant the gross sum of £1,900.80 being the amount of statutory notice pay the claimant is entitled to.**
4. The claimant's claim for statutory redundancy pay is well founded. The claimant was dismissed by reason of redundancy, had been employed by the respondent for over six years as at the effective date of termination, and was 57 years old on the effective date of termination. As the claimant's gross weekly pay was £316.80, she is entitled to a statutory redundancy payment of £2,851.20 (6 weeks x 1.5 x £316.80). **The respondent shall pay to the claimant the gross sum of £2,851.20 being the amount of statutory redundancy pay the claimant is entitled to.**
5. The Tribunal makes no award in the claimant's favour in respect of accrued but untaken holiday pay. The claimant was unable to explain how the holiday pay she was claiming had been calculated, or how many days or hours holiday pay were being claimed. As the claimant was unable to explain how many days or hours holiday were owed to her, or how the sum claimed had been calculated, she is not entitled to any holiday pay.
6. **The respondent shall pay the sums due to the claimant on or before 30 May 2023.**

Employment Judge Tegerdine

Date 16 May 2023

Notes

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.

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