



THE EMPLOYMENT TRIBUNAL

SITTING AT: **LONDON SOUTH**

BEFORE: **EMPLOYMENT JUDGE C O'NEILL (sitting alone)**

BETWEEN:
Rachel Santoro **Claimant**

and

Xiamen Ason Products Limited
Respondent

ON: **7 June 2023**

Appearances:

For the Claimant: **in person**

For the Respondent: **did not appear**

LIABILITY JUDGMENT

- 1. The claim for unfair dismissal has been dismissed because the claimant did not have the necessary length of service and the dismissal was not for an automatically fair reason.*
- 2. The complaint under regulation 30(1)(a) the Working Time Regulations 1998 in respect of*

- a. *regulation 10 of those regulations is not well-founded;*
 - b. *regulation 11 of those regulations is well-founded, however no award is made in respect of the complaint as no loss was suffered by the claimant.*
 3. *The Claimant received no statement of particulars in breach of s11(1) of the Employment Rights Act 1996, so in accordance with s38 Employment Act 2002 the Respondent is ordered to pay to the Claimant the gross sum of two weeks' pay. Oral judgment given on 7 June 2023 did not consider the statutory cap imposed by virtue of s38(6) on the claimant's weekly earnings, so the remedy is reconsidered, and the amount awarded is capped by statute at £1,050.*
 4. *The Respondent was in breach of contract by dismissing the claimant without notice. The Respondent is ordered to pay to the Claimant the gross sum of \$18,000 in damages for the breach of contract.*
 5. *The award is converted to GBP at a rate of 0.80254, the rate at the date of termination, 30 March 2020. In total, the Respondent is ordered to pay a total gross sum of £15,495.72.*
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Employment Judge C O'Neill
Date: 21 June 2023

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. Any written reasons will be published, in full, online shortly after a copy has been sent to the parties.