



EMPLOYMENT TRIBUNALS

Claimant: 1. Mrs C McCallig
2. Mrs S Smith

Respondent: Blamire Bakery Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

Both Claimants

1. The respondent has failed to present a valid response on time for the claims brought by Mrs McCallig and Mrs Smith. 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.
2. The figures below are awarded in gross sums. The claimants should be aware that they may receive less than these amounts if the respondent accounts for statutory deductions before satisfying the awards. If the respondent pays the claimants the gross figures, then each claimant may need to satisfy any tax burdens individually from that award.

Mrs C McCallig

3. The claimant's claim for a statutory redundancy payment by reason of her constructive dismissal succeeds and the respondent is ordered to pay damages to the claimant in the sum of **£5,130** (12 x 1.5 weeks' pay for every complete year of service when the claimant was aged 41 or older x £285 = £5,130)
4. 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 **£3,420** (weekly pay £285 x maximum statutory notice 12 weeks = £3,420).
5. The respondent has made an unauthorised deduction from the claimant's wages by failing to pay the claimant between 15/2/23 and 9/8/23 and is ordered to pay the

claimant the gross sum of **£7,001.00** ($£285 \times 25 \text{ weeks} = £7,125$ less $£124$ received from the respondent = $£7,001.00$).

6. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the gross sum of **£712.50** (8 days' untaken leave as at 9/8/23 plus 2 additional days carried over from the previous year = 10 days @ $£71.25$ per day).
7. Consequently, the respondent must pay the claimant the total gross sum of **£16,263.50**.

Mrs S Smith

8. The claimant's claim for a statutory redundancy payment by reason of her constructive dismissal succeeds and the respondent is ordered to pay damages to the claimant in the sum of **£10,597.50** ($18 \times 1.5 \text{ weeks' pay for every complete year of service when the claimant was aged 41 or older} \times £392.50 = £10,597.50$)
9. 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 **£4,710** (weekly pay $£392.50 \times$ maximum statutory notice 12 weeks = $£4,710$).
10. The respondent has made an unauthorised deduction from the claimant's wages by failing to pay the claimant between 15/2/23 and 9/8/23 and is ordered to pay the claimant the gross sum of **£9,657.50** ($£392.50 \times 25 \text{ weeks} = £9,812.50$ less $£155$ received from the respondent = $£9,657.50$).
11. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the gross sum of **£785.00** (10 days' untaken leave as at 9/8/23 @ $£78.50$ per day).
12. Consequently, the respondent must pay the claimant the total gross sum of **£25,750**.

Employment Judge McDonald

Date: 23 February 2024

**Case No:2411003/2023
2411004/2023**

JUDGMENT SENT TO THE PARTIES ON

7 March 2024

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case numbers: **2411003/2023, 2411004/2023**

Name of cases: **Mrs C McCallig** v **Blamire Bakery Limited**
Mrs S Smith

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 7 March 2024

the calculation day in this case is: 8 March 2024

the stipulated rate of interest is: **8% per annum.**

For the Employment Tribunal Office