



EMPLOYMENT TRIBUNALS

Claimant:

1. Miss R Wallace
2. Mr R Tyson
3. Miss M Gardzinska
4. Miss J Love

Respondent: Aztec Carlisle Ltd

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

All Claimants

1. The respondent has failed to present a valid response on time and 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.
3. The hearing on 7 August 2024 is cancelled.

Miss R Wallace

4. The respondent has made an unauthorised deduction from the claimant's wages by failing to pay the claimant between 27/9/2023 and 3/10/2023 and is ordered to pay the claimant the gross sum of **£1,975.18** (as recorded in the pay slip issued by the respondent to the claimant in respect of this period, which was due for payment on 9/10/2023 and which was never paid).

5. 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 **£460.00** (weekly gross pay £460 x one week's statutory notice).
6. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the gross sum of **£1,552.50** (135 hours of untaken leave @ £11.50 gross per hour).
7. Consequently, the respondent must pay the claimant the total gross sum of **£3,987.68**.

Mr R Tyson

8. The respondent has made an unauthorised deduction from the claimant's wages by failing to pay the claimant between 27/9/23 and 3/10/23 and is ordered to pay the claimant the gross sum of **£1,560.66** (as recorded in the pay slip issued by the respondent to the claimant in respect of this period, which was due for payment on 9/10/2023 and which was never paid).
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 **£460.00** (weekly gross pay £460 x one week's statutory notice).
10. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the gross sum of **£920.00** (80 hours of untaken leave @ £11.50 per hour).
11. Consequently, the respondent must pay the claimant the total gross sum of **£2,940.66**.

Miss M Gardzinska

12. The respondent has made an unauthorised deduction from the claimant's wages by failing to pay the claimant between 27/9/23 and 3/10/23 and is ordered to pay the claimant the gross sum of **£464.21** (as recorded in the pay slip issued by the respondent to the claimant in respect of this period, which was due for payment on 9/10/2023 and which was never paid).
13. 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 **£270.92** (weekly gross pay £270.92 x one week's statutory notice).
14. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the gross sum of **£625.20** (60 hours of untaken leave @ £10.42 per hour).

15. Consequently, the respondent must pay the claimant the total gross sum of **£1,360.33**.

Miss J Love

16. The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the gross sum of **£500.25**.

17. 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 **£431.25** (weekly gross pay £431.25 x one week's statutory notice).

18. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the gross sum of **£983.25** (85.5 hours of untaken leave @ £11.50 per hour).

19. Consequently, the respondent must pay the claimant the total gross sum of **£1,914.75**.

Employment Judge KM Ross

Date: 28 May 2024

JUDGMENT SENT TO THE PARTIES ON

Date: 13 June 2024

.....
AND ENTERED IN THE REGISTER
FOR THE TRIBUNAL OFFICE

Case No:2412227/2023
2412228/2023
2412229/2023
2412230/2023



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number:2412227/2023,2412228/2023,2412229/2023,2412230/2023

Miss R Wallace, Mr R Tyson, Miss M Gardzinska & Miss J Love

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 13 June 2024

"the calculation day" is: 14 June 2024

"the stipulated rate of interest" is: **8%**

Mr P Guilfoyle
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.