



## EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4104697/2024

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Held in Glasgow on 6 September 2024

Employment Judge M Sangster

10 **Ms K Kalkowska**

**Claimant  
Represented by  
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Solicitor**

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**Ciociara Limited**

**Respondent  
Not present and  
Not represented**

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### JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The judgment of the Tribunal is as follows:

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1. The claimant's complaint of unfair dismissal under section 104 of the Employment Rights Act 1996 (**ERA**) is successful. The respondent is ordered to pay the claimant the sum of **£3,028.21** as a compensatory award for unfair dismissal. No basic award is payable given the claimant's length of service.
2. The claimant's complaint of wrongful dismissal is successful. The respondent was in breach of contract by dismissing the claimant without 1 week's notice. No award is made, given the compensatory award above.
3. The claimant's complaint under section 23 ERA is successful and the  
30 respondent is ordered to pay to the claimant the gross sum of **£2.71** which was unlawfully deducted from her wages, contrary to section 13 ERA, in respect of holiday pay on the termination of her employment.
4. The respondent failed to give the claimant a written statement of particulars of employment, as required by section 1 ERA.

5. In consequence of the claimant succeeding in a claim of a kind mentioned in Schedule 5 of the Employment Act 2002 (namely unauthorised deductions from wages, breach of contract and unfair dismissal), and the respondent having failed to issue the claimant a written statement of particulars of employment, the Tribunal awards the claimant four weeks' pay (capped at £571 per week), that is **£712.52**, in accordance with section 38(3) of the Employment Act 2002.
6. The respondent shall be at liberty to deduct from the gross sum of which payment is ordered at paragraph 3 above, prior to making payment to the claimant, such amounts of Income Tax and Employee National Insurance Contributions (if any) as it may be required by law to deduct from a payment of earnings of that amount made to the claimant, and if it does so, duly remits such sums so deducted to HM Revenue and Customs, and provides to the claimant written evidence of the fact and amount of such deductions and of the sums deducted having been remitted to HMRC, payment of the balance to the claimant shall satisfy the requirements of this judgment.

Oral reasons were given at the hearing, in accordance with rule 62(2) of the Employment Tribunals Rules of Procedure 2013. Written reasons will not be provided, unless a written request for these is made by one of the parties within 14 days of the date this judgment is sent to the parties.

Employment Judge Sangster

**Employment Judge**

6 September 2024

**Date of Judgment**

**Date sent to parties**

9 September 2024