



EMPLOYMENT TRIBUNALS

Claimant: Mr E Butler

Respondent: Ciaooo Pizzeria Ltd

Heard at: Manchester Employment Tribunal (by CVP)

On: 25 November 2024

Before: Employment Judge M Butler

Representation

Claimant: Non-attendance

Respondent: Non-attendance

REMEDY JUDGMENT

1. A Rule 21 judgment in respect of liability was entered in the claimant's favour, dated 02 August 2024. This was in respect of complaints of unfair dismissal, unpaid wages, holiday pay and a breach of contract. There is also a complaint brought by the claimant in his claim form that the respondent failed to provide a written statement of particulars.
2. Neither the claimant nor the respondent was in attendance at today's hearing. There was no explanation present on the tribunal file as to why the claimant was not in attendance, and he failed to respond to the tribunal when it made enquiries on the morning of the hearing or to attend at the delayed start time of 10.30am.
3. In the circumstances, the judge decided to proceed in the claimant's absence, pursuant to Rule 47 of the Employment Tribunal Rules of Procedure 2013.
4. The claimant was only employed by the respondent for 17 days and so no basic award for unfair dismissal is awarded.
5. The claimant has not produced any evidence to support an award for a compensatory award for unfair dismissal and so no award is made.
6. The claimant is awarded no compensation for his unfair dismissal claim.
7. The claimant worked for 17 days for the respondent before his dismissal, the equivalent of 2.43 weeks. During this time, according to his claim form, he had

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worked 57.5 hours at a rate of £11.44 per hour. The claimant was paid £608 for the hours he worked.

8. The claimant has not established what deductions made from his wages were unlawful (rather than being statutory deductions for tax and national insurance). No award is made for the unlawful deductions part of the claim.
9. The claimant was entitled to 0.262 weeks holiday pay (2.43/52 x 5.6 weeks entitlement). The claimant worked the equivalent of 23.66 hours per week (57.5 hours/2.43 weeks worked). The claimant was paid £11.44 per hour. The respondent is ordered to pay the claimant the sum of £70.92 (0.262 weeks x 23.66 hours per week x £11.44 per hour) in respect unpaid holiday pay that was outstanding at the point of termination of the claimant's employment.
10. The claimant has failed to produce any evidence to support what remedy he was entitled to in respect notice pay. No award is made in respect of notice pay.
11. The claimant's complaint that did not receive a written statement of particulars during his employment is well-founded. The respondent is ordered to pay the claimant the sum of £541.34 pursuant to s.38(3) of the Employment Act 2002, that being two weeks pay at the sum of £270.67 per week (23.66 hours x £11.44 per hour).
12. The respondent is ordered to pay the claimant the total award of £612.26 (£70.92 for unpaid holiday pay and £541.34 for the failure to provide a written statement of terms).

Employment Judge **M Butler**

Date_25 November 2024_____

JUDGMENT SENT TO THE PARTIES ON
28 November 2024

FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2402857/2024**

Name of case: **Mr E Butler** v **Ciaooo Pizzeria Ltd**

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: 28 November 2024

the calculation day in this case is: 29 November 2024

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

Mr S Artingstall
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:

www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.