



EMPLOYMENT TRIBUNALS

Claimant: Mrs M Ezugwu

Respondent: GenesisDisplay GmbH

Heard at: East London Hearing Centre (in public; by CVP)

On: 12 December 2024

Before: Employment Judge Gordon Walker (sitting alone)

Appearances

For the claimant: represented herself

For the respondent: did not attend

JUDGMENT

1. The respondent was served with the claim form but did not present a response as required by rule 16 of the Employment Tribunal Rules 2013. The respondent did not make an application for an extension of time to present its response in accordance with rule 20 of the Employment Tribunal Rules 2013. A hearing was fixed in accordance with rule 21(2) of the Employment Tribunal Rules 2013.
2. The Tribunal has jurisdiction to hear the claim as the claimant was habitually employed in the United Kingdom: section 15C(2)(b) Civil Jurisdiction and Judgments Act 1982.
3. The applicable law is that contained in the Employment Rights Act 1996. Even if (which the respondent has not asserted) the parties freely chose that the applicable law was German law, it is for the respondent to prove this, and to prove that it differs from English law. The respondent has not done this. Further, the rights in question are non-derogable provisions under the law that, in the absence of choice would have been applicable given the claimant given she habitually carried out her work in the United Kingdom: European Union (Withdrawal) Act 2018; Rome I Regulation Article 8.

4. The claimant was unfairly dismissed contrary to section 94 Employment Rights Act 1996.
5. The respondent made unauthorised deductions from the claimant's wages, contrary to section 13 Employment Rights Act 1996.
6. The respondent must pay to the claimant:
 - a. **£3,750 gross** for unauthorised deductions from wages payable on termination of employment (30 November 2023) for the claimant's contractual notice pay of one month's pay for the month of November 2023;
 - b. **£2,769.23 gross** for unauthorised deductions from wages payable on termination of employment (30 November 2023) for 16 days of accrued but untaken contractual holiday entitlement;
 - c. **£2,893.50** redundancy payment;
 - d. **£36,908 net** compensatory award for unfair dismissal. This comprises 18 months' net loss of earnings from 1 December 2023 to 1 June 2025 (past and future loss) less earnings in mitigation of £12,700 net.
 - e. **£2,450** "grossing up" figure to reflect the tax that the claimant will have to pay on the extent to which her redundancy payment and compensatory award exceed £30,000.
 - f. These figures are calculated using the claimant's gross pay with the respondent of £3,750 per month and net pay of £2,756 per month.

Employment Judge Gordon Walker
12 December 2024

Notes

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.

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