

THE INDUSTRIAL TRIBUNALS

CASE REF: 5514/18IT

CLAIMANT: Emma Lyttle

RESPONDENTS: 1. Red Jacket Ltd
2. City Centre Food Ltd

DECISION

The decision of the Employment Judge is that the claimant was automatically unfairly dismissed by her employer, City Centre Food Ltd and there was a failure to provide the claimant with written revised particulars of employment and reasons for her dismissal. The tribunal awards the claimant total compensation of £4,526.19.

The claimant's claims that there was a failure by the respondents to provide payslips and for unpaid wages and holiday pay are dismissed.

The claimant's claims that she was dismissed as a result of a TUPE transfer and that the respondents failed to comply with their obligations to inform and consult under the Transfer of Undertakings (Protection of Employment) Regulations are dismissed.

Red Jacket Ltd is dismissed as a party from the proceedings.

Constitution of Tribunal:

Employment Judge (sitting alone): Employment Judge Knight

Appearances:

The claimant was represented by Mr McGlone of the Law Centre NI.

The respondents neither appeared nor were represented.

REASONS

1. Full reasons for the decision above were delivered orally at the hearing.
2. I awarded compensation, calculated as follows:

Unfair Dismissal

Date of dismissal ("EDD") - 12 January 2018

Claimant's continuous service at EDD - 7 years

Claimant's Age at EDD (date of birth 10 September 1993) - 24 years

Gross weekly pay - £225.00

Net weekly pay - £216.78

The claimant's loss ceased after seven weeks on 3 March 2018 when she obtained other employment at a higher rate of pay. She has not sought any other employment. The claimant did not claim any social security benefits between EDD and 3 March 2018.

Basic Award

4.5 weeks x £225.00 = £1,012.50

Compensatory Award

Loss of Earnings

7 weeks x £216.78 = £1,517.46

Loss of Statutory Rights

Equivalent of one week's gross pay £ 225.00

Statutory Uplift

Maximum of 50% £ 871.23

Total award for unfair dismissal ***£3,626.19***

Failure to Give Written Revised Particulars of Employment

Two weeks' pay £ 450.00

Failure to Provide Written Reasons for Dismissal

Two weeks' pay £ 450.00

Total compensation awarded **£4,526.19**

3. This is a relevant decision for the purposes of the Industrial Tribunals (Interest) Order (Northern Ireland) 1990.

Employment Judge:

Date and place of hearing: 6 July 2018, Belfast.

Date decision recorded in register and issued to parties: