



EMPLOYMENT TRIBUNALS

Claimant: Ms T Lee
Respondent: Airline Taxis Limited

AT A HEARING

Heard at: Leeds by telephone conference call **On:** 9th June 2020
Before: Employment Judge Lancaster

Representation

Claimant: In person
Respondent: No appearance entered and did not attend

Employment Tribunals (Constitution and Rules of Procedure Regulations) 2013 rule 21

JUDGMENT

This has been a remote which has been not objected to by the parties. The form of remote hearing was by telephone (A). A face to face hearing was not held because it was not practicable and all information necessary for consideration of a judgment under rule 21 could be ascertained from the Claimant in a remote hearing

1. The Claimant was, pursuant to section 104 of the Employment Rights Act 1996, automatically unfairly dismissed because she had alleged an infringement of a statutory right.
2. The Claimant was wrongfully dismissed in breach of contract.
3. The Respondent has made an unauthorised deduction from the Claimant's wages in respect of accrued holiday pay due at the date of termination.
4. The Respondent is ordered to pay to the Claimant compensation or damages as follows:
 - 4.1 £5440.00 compensation for 18 weeks loss of earnings from the expiry of the proper notice period, 5th February 2020, to the date of hearing at an assumed net rate on £420 gross of £315.00 per week, less £230.00 actually earned.
 - 4.2 £12600.00 compensation for a further 40 weeks loss of future earnings at £315.00 net per week.

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- 4.3 Under section 207 of the Trade Unions & Labour Relations (Consolidation) Act 1992, an uplift on the compensatory award for unfair dismissal of 25 per cent, being £4510.00, because of the total failure to comply with the ACAS Code of Practice on disciplinary procedures.
- 4.4 £420.00, being 1 week's gross pay in lieu of proper notice (calculated on an average over the 12 weeks prior to termination of 10 weeks at £450 and 2 weeks at £270)
- 4.5 Under section 207 of the Trade Unions & Labour Relations (Consolidation) Act 1992, an uplift of the above award of 25 per cent, being £105.00, because of the total failure to comply with the ACAS Code of Practice on disciplinary procedures.
- 4.6 £546.00 gross, being 1.3 weeks holiday due (calculated as 3.3 weeks pro rata entitlement from the start of employment in July 2019 until the date of termination on 29th January 2020 less 2 weeks holiday taken, at a weekly rate of £420.00)
- 4.7 An additional award of £200.00 under section 24 (2) of the Employment Rights Act 1996 as an appropriate amount to compensate the Claimant for the further financial losses sustained as result of having to take out emergency loans and accruing rent arrears attributable in part to the unauthorised deduction from her final wages.
- 4.8 £1680.00 being an award of 4 weeks pay under section 38 of the Employment Act 2002 by reason of the failure to give a written statement of the particulars of employment under Part 1 of the Employment Rights Act 1996.
5. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to the unfair dismissal award as follows:
 - (a) The total monetary award on all claims, £25501.00
 - (b) The amount of the prescribed element, £5440.00
 - (c) The dates of the prescribed period, 5th February to 9th June 2020
 - (d) The amount by which the total monetary award exceeds the prescribed element, £20,061.00

EMPLOYMENT JU DGE LANCASTER

DATE 9th June 2020