



EMPLOYMENT TRIBUNALS

Claimant: Miss S Sherwin

Respondent: HJ Leisure Ltd

Heard at: Birmingham, by video (CVP)

On: 17 June 2022

Before: Employment Judge Coghlin QC

Appearances

For the claimant: In person

For the respondent: Debarred; no appearance or representation

JUDGMENT

1. The claimant's claim of breach of contract (wrongful dismissal) succeeds. The respondent is ordered to pay the claimant the sum of **£1,988** as compensation.
2. The respondent made unlawful deductions from the claimant's pay in the total sum of **£2,931.46**, comprising
 - a. unpaid overtime for August 2021 in the sum of £441.03 (32.5 hours at £13.57 per hour);
 - b. unpaid basic salary for the period 1 September 2021 to 25 September 2021 in the sum of £2,083.33; and
 - c. unpaid overtime for September 2021 in the sum of £407.10 (30 hours at £13.57 per hour).

This sum is to be paid to the claimant less any deductions which may be appropriate in respect of tax and national insurance contributions.

3. The award for breach of contract is uplifted by 20% (**£298.20**) pursuant to section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 by reason of the respondent's unreasonable failure to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures when dismissing the claimant.
4. The respondent shall pay an additional award of **£1,088** under section 38 of the Employment Act 2002 for its failure to provide a full and accurate statement of terms and conditions of employment in compliance with section 1 of the Employment Rights Act 1996.

Note

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.

Employment Judge Coghlin QC

17 June 2022