

EMPLOYMENT TRIBUNALS

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Your Ref:

To: Mr Veli Narci
37
Trent Gardens
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Your Ref:

Date 26 January 2016

Case Number: 3303301/2015

Claimant
Miss A Zajac

v

Respondent
Kinal Limited
& Others

EMPLOYMENT TRIBUNAL JUDGMENT

A copy of the Employment Tribunal's judgment is enclosed. There is important information in the booklet 'The Judgment' which you should read, including about enforcing the judgment. The booklet can be found on our website at:

http://hmctsformfinder.justice.gov.uk/HMCTS/GetForms.do?court_forms_category=employment%20tribunal

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

The Judgment booklet explains that you may request the employment tribunal to reconsider a judgment or a decision. It also explains the appeal process to the Employment Appeal Tribunal. These processes are quite different, and you will need to decide whether to follow either or both. **Both are subject to strict time limits. An application for a reconsideration must be made within 14 days of the date the decision was sent to you. An application to appeal must generally be made within 42 days of the date the decision was sent to you; but there are exceptions: see the booklet.**

The booklet also explains about asking for written reasons for the judgment (if they are not included with the judgment). These will almost always be necessary if you wish to appeal. You must apply for reasons (if not included with the judgment) within 14 days of the date on which the judgment was sent. If you do so, the 42 day time limit for appeal runs from when these reasons were sent to you. Otherwise time runs from the date the judgment was sent to you or your representative.

For further information, it is important that you read the Judgment booklet. You may find further information about the EAT at <https://www.gov.uk/appeal-employment-appeal-tribunal>.

An appeal form can be obtained from the Employment Appeal Tribunal at: Employment Appeal Tribunal, Second Floor, Fleetbank House, 2-6 Salisbury Square, London EC4Y 8JX or in Scotland at 52 Melville Street, Edinburgh EH3 7HS.

Yours faithfully,

NAREN GOTECHA
For the Tribunal Office


to request the same. The first respondent failed to provide the claimant with such a statement.

7. The first respondent unreasonably failed to deal with the claimant's grievance of 14 September 2015.
8. The first respondent is ordered to pay to the claimant the following sums:
 - 8.1 By way of awards for unfair dismissal:
 - (a) A basic award in the sum of £960.75; and
 - (b) A compensatory award in the sum of £2,965.37.
 - 8.2 By way of awards for injury to feelings:
 - (a) The sum of £5,000.00;
 - (b) An uplift on the sum of £5,000.00 pursuant to section 207A(2) Trade Union and Labour Relations (Consolidation) Act 1992 at the rate of 25%, in the sum of £1,250.00; and
 - (c) Interest on the said sum of £5,000.00 from 09.09.2015 to 25.01.2016 at the rate of 8%: 137 days, in the sum of £150.14.
 - 8.3 Damages for failure to give the required notice upon termination of the claimant's employment in the sum of £937.25.
 - 8.4 Compensation for accrued unused holiday entitlement in the net sum of £305.54.
 - 8.5 An award under section 38 Employment Act 2002 for the first respondent's failure to give to the claimant a statement of the particulars of her employment, equivalent to the higher amount of four weeks pay, in the sum of £768.60.
 - 8.6 An award under section 93 Employment Rights Act 1996 for failure to provide the claimant with a statement under section 92 of the same Act, equal to two weeks pay, in the sum of £384.30.
9. The total sum payable by the first respondent to the claimant is £12,721.95.

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.

Date:


Employment Judge Southam

JUDGMENT SENT TO THE PARTIES

..... 26 January 2016

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FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 3303301/2015

Name of case(s): Miss A Zajac v Kinal Limited
& Others

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **26 January 2016**

"the calculation day" is: **27 January 2016**

"the stipulated rate of interest" is: 8%

NAREN GOTECHA
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.justice.gov.uk/tribunals/employment/claims/booklets

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.