

THE INDUSTRIAL TRIBUNALS

CASE REF: 12504/18

CLAIMANT: Orlaith McKeever

RESPONDENT: Crazy Horse Belfast Ltd

DECISION

The decision of the tribunal is that the claimant is entitled to the following sums:

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| (i) | For arrears of pay | £280.00 |
| (ii) | For notice pay | £385.74 |
| (iii) | For holiday pay | £603.75 |

CONSTITUTION OF TRIBUNAL

Employment Judge (Sitting Alone): Mrs Ó Murray

APPEARANCES:

The claimant represented herself accompanied by her father.

The respondent was not represented and had not entered a response.

REASONS

1. The claimant was employed by the respondent from 23 October 2017 until 30 May 2018 as a Supervisor. On 30 May 2018 the claimant's employment was terminated when the business closed without notice.
2. The claimant presented copy payslips after the hearing. From those payslips the average net weekly was £192.87. This gives a daily rate of £38.57.
3. At the date of termination of employment the claimant was due holiday pay. The holiday year ran from January to December and the claimant had taken no holidays in the relevant period. I therefore award the sum of £603.75 in relation to holiday pay being the sum claimed by the claimant.
4. The claimant received a payslip for £280.00 the fortnight ending 3 June 2018 and that remained unpaid. I therefore award the sum of £280.00 for arrears of pay.

5. Under her contract the claimant was entitled to two weeks' notice and I therefore award the sum of £385.74 in respect of notice pay.
6. I explained that the claimant is entitled to enforce the award contained in this decision and if she wishes to do so should seek advice from one or more of the following sources: a Solicitor, a Citizen's Advice Bureau, a Law Centre, a trade union.
7. I explained that if the company becomes insolvent it will be open to the claimant to apply to the fund administered by the Redundancy Payments Service (RPS) for sums in relation to arrears of pay and notice to be paid out to her. As more than one year has elapsed since the termination of her employment and the company did not become insolvent within that year, RPS may not be in a position to pay any sum in arrears of holiday pay even if the company at a later stage becomes insolvent.
8. This is a relevant decision for the purposes of the Industrial Tribunals (Interest) Order (Northern Ireland) 1990.

Employment Judge:

Date and place of hearing: 19 November 2019, Belfast.

Date decision recorded in register and issued to parties: