

THE INDUSTRIAL TRIBUNALS

CASE REF: 17049/18

CLAIMANT: Cheryl Mann
RESPONDENT: Abbey Labels & Packaging Ltd

DECISION

- (A) The claimant's wages claim is well-founded and it is ordered that the respondent shall pay to the claimant the sum of £727.41 in respect of wages.
- (B) The claimant's holiday pay claim is well-founded and it is ordered that the respondent shall pay to the claimant the sum of £484.94 in respect of holiday pay.
- (C) The claimant's claim for notice pay is well-founded and it is ordered that the respondent shall pay to the claimant the sum of £2,667.77 in respect of notice pay.
- (D) The claimant's redundancy pay claim against the respondent is well-founded and it is ordered that the respondent is liable to make a redundancy payment of £2,928.42 to the claimant.

CONSTITUTION OF TRIBUNAL

Employment Judge: Employment Judge Orr

Members: Mr Ian Carroll
Mr M McKeown

APPEARANCES:

The claimant was self-represented.

N/A.

REASONS

1. At the end of the hearing the tribunal announced its decision as set out above.
2. The claimant presented her claim to the tribunal in November 2018. In February 2019, a response was received, completed by Mr G Mann, the claimant's father and a 42% share-holder in the respondent company. The response stated the claim was not being resisted. This response, purported to be submitted on behalf of the company. However Mr Mann had ceased to be a Director of the company with effect from September 2018. At a previous Case Management

Discussion Employment Judge Buggy recorded that 50% of the shares in the company were currently held by a Mr Peter Craig and that Mr Mann owns 42% of the shares of the company. Against that background there was a query as to whether Mr Mann had the authority to submit the response on behalf of the company.

3. By letter dated 26 March 2019, Mr Craig was provided with a copy of the claim form, a copy of the response form and a copy of the record of proceedings dated 21 March 2019. Mr Craig did not respond to the tribunal in writing as requested. Accordingly the hearing proceeded on the basis that the claim was not being resisted and there was no appearance by the respondent.
4. The claimant gave evidence at the hearing that she was employed from April 2007 until 14 September 2018. She did not receive wages for weeks commencing 19 July 2018, 23 July 2018 and 30 July 2018. The claimant was made redundant on 14 September 2018 without notice upon being told that the company was going into administration.
5. The claimant's weekly wage, according to her payslips and her evidence is £266.22 (gross) and £242.47(net).
6. The respondent's holiday year runs from January to December. The claimant's employment ended on 14 September 2018. Accordingly, under the Working Time Regulations (Northern Ireland) 2016, the claimant accrued 20 days' annual leave from January 2018 until the termination of her employment. The claimant gave evidence that she had availed of 10 days' annual leave, therefore 10 days' pay in respect of holiday pay is due and owing to her under Regulation 17 of the above-mentioned Regulations. This amounts to £484.94.
7. The claimant was employed for a period of 11 years and at the date of termination of her employment was aged 40. Accordingly the claimant is entitled to redundancy pay of £2,928.42.
8. The claimant's evidence, which was not disputed, is that none of the above amounts have been paid to her. In the absence of any evidence from the respondent, the claimant is entitled to holiday pay in lieu of leave in the sum of £484.94, notice pay in the sum of £2,667.17, arrears of pay in the sum of £727.41 and a redundancy pay in the sum of £2,928.42. The claimant received no income during her notice period. The claimant is therefore awarded £6,807.94 in total.
9. This is a relevant decision for the purposes of the Industrial Tribunals (Interest) Order (Northern Ireland) 1990.

Employment Judge:

Date and place of hearing: 7 June 2019, Belfast.

Date decision recorded in register and issued to parties: