



EMPLOYMENT TRIBUNALS

Claimant: Miss A Greener
First Respondent: Ms A West & Mr E Mooney (t/a The Milan Bar)
Second Respondent: Milan Bar Ltd (dissolved company)
Third Respondent: Lees Bacaro Ltd

HELD AT: Manchester **ON:** 5 June 2017

BEFORE: Employment Judge Tom Ryan

Representation:
Claimant: Miss N Fleming, claimant's daughter
First Respondent: No appearance
Third Respondent: Mr M West, consultant

JUDGMENT

1. The complaints of: unfair dismissal, breach of contract by failing to give notice or pay in lieu, failure to pay accrued holiday pay, failure to consult in respect of a transfer of employment and failure to provide terms and conditions of employment are well-founded.
2. The claimant's employment by the second respondent having transferred to the third respondent, the third respondent is liable to pay the claimant in respect of the remedies afforded to her.
3. The third respondent shall pay compensation to the claimant calculated as follows:

Unfair dismissal

Basic award (11 x 1.5 x 112.50)	1,856.25
Compensatory award	
Loss of earnings	
18.6 weeks x 112.50	2,092.50
(less notice pay)	<u>1,237.50</u>
	755.00

Loss of statutory rights	<u>225.00</u>	<u>980.00</u>	£2,836.25
Breach of Contract (11 x 112.50)			£1237.50
Accrued Unpaid Holiday (5.6 x 112.50)			£630.00
Failure to consult in respect of transfer (4 x 112.50)			£450.00
Failure to provide a statement of terms and conditions (4 x 112.50)			<u>£450.00</u>
Total Award			£5,603.75

4. The provisions of the Employment Protection (Recoupment of Benefits) Regulations 1996 (“the Recoupment Regulations”) do not apply to this award.
5. The third respondent shall pay the sums awarded to the claimant within 14 days of the date of this judgment being sent to the parties.

Employment Judge Tom Ryan

6 June 2017

JUDGMENT SENT TO THE PARTIES ON

13 June 2017

FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): 2401853/2016

Name of case(s): Miss A Greener v 1.Ms Annette West & Mr Eddie Mooney (t/a The Milan Bar)
2.Milan Bar Limited (dissolved company)
3.Lees Bacaro Limited

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: 13 June 2017

"the calculation day" is: **14 June 2017**

"the stipulated rate of interest" is: 8%

MISS K MCDONAGH

For the Employment Tribunal Office