



# EMPLOYMENT TRIBUNALS

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**Claimants:** (1) Ms S Holroyd  
(2) Ms R Winteringham  
(3) Ms J Jackson  
**Respondent:** Hobson's Choice (Stores) Limited  
**Heard at:** Leeds On: 23<sup>rd</sup> May 2017  
**Before:** Employment Judge Lancaster  
**Members:**

## Representation

**Claimants:** In person  
**Respondent:** Did not attend

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## JUDGMENT

Upon the case proceeding in the absence of a party, pursuant to rule 47 of the Employment Tribunal Rules 2013:

1. The Claimants were each unfairly and wrongfully dismissed.
2. The Respondent has made an unlawful deduction from their wages in respect of each Claimant.
3. The Respondent has failed to pay each Claimant in respect of their accrued holiday entitlement untaken at the date of termination.
4. The Respondent has failed to provide each Claimant with written terms and conditions of employment as required by Part 1 of the Employments Rights Act 1996 and they are each awarded 2 week's pay pursuant to section 38 of the Employment Act 2002.
5. In the case of each Claimant the amount of the compensatory award for unfair dismissal is to be reduced by 50 per cent to reflect the possibility that they would have been fairly dismissed had a proper procedure been carried out
6. In respect of each Claimant the Respondent has unreasonably failed to comply with the provision of the ACAS Code of Practice on Disciplinary and Grievance Procedures and the compensatory award for unfair dismissal is uplifted by 5 per cent pursuant to section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992.
7. The Respondent is ordered to pay compensation/damages to the Claimants as follows:-

Cases: 1804722/2013,  
1804723/2013 & 1804724/2013

7.1 Ms S Holroyd

7.1.1	Basic award for unfair dismissal (13 ½ weeks @ £156.25)	£2109.38
7.1.2	Damages for breach of contract (12 weeks @ £154.99)	£1859.88
7.1.3	Compensatory award as adjusted( £450 for loss of statutory rights and loss of earnings less sums earned in mitigation of loss)	£8029.17
7.1.4	1 week's unpaid wages (gross)	£156.25
7.1.5	1 week's holiday pay (gross)	£156.25
7.1.6	2 weeks' pay (section 38)	<u>£312.50</u>
		£12,623.43

7.2 Ms R Winteringham

7.2.1	Basic award for unfair dismissal (7 weeks @ £150.00)	£1050.00
7.2.2	Damages for breach of contract (6 weeks @ £149.46)	£896.76
7.2.3	Compensatory award as adjusted( £450 for loss of statutory rights and loss of earnings less sums earned in mitigation of loss)	£3335.49
7.2.4	1 week's unpaid wages (gross)	£150.00
7.2.5	2 weeks' holiday pay (gross)	£300.00
7.2.6	2 weeks' pay (section 38)	<u>£300.00</u>
		£6,032.25

7.3 Ms J Jackson

7.3.1	Basic award for unfair dismissal (25 ½ weeks @ £330.59)	£8430.05
7.3.2	Damages for breach of contract (12 weeks @ £273.51)	£3282.12
7.3.3	Compensatory award as adjusted( £450 for loss of statutory rights and loss of earnings less sums earned in mitigation of loss)	£8526.24
7.3.4	1 week's unpaid wages (gross)	£330.59
7.3.5	2 weeks' holiday pay (gross)	£661.18
7.3.6	2 weeks' pay (section 38)	<u>£661.18</u>
		£21,891.36

Employment Judge Lancaster

Date: 23 May 2017