



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss R Duffill  
**Respondent:** Greek Classic Gyros Limited

## AT A HEARING

**Heard at:** Hulls                      **On:** 6<sup>th</sup> January 2020  
**Before:** Employment Judge Lancaster

### Representation

**Claimant:** In person  
**Respondent:** Mr C Chalkiopoulos

## JUDGMENT

1. It is declared that the Respondent has made an unauthorised deduction from the Claimant's wages by not paying her the sums due upon termination of employment on 15<sup>th</sup> June 2019 as and when they fell due.
2. Because those sums were however paid on 15<sup>th</sup> July 2019 there is no order for compensation due under section 24 (1) (a) of the Employment Rights Act 1996, and that part of the claim is dismissed upon withdrawal.
3. The Respondent is ordered to pay to the Claimant £298.47, which is an appropriate sum to compensate her for financial loss attributable to that late payment, under section 24 (2) of the Employment Rights Act 1996.
4. The Claimant was unfairly dismissed. The claim is well founded.
5. The Respondent is ordered to pay to the Claimant compensation for unfair dismissal, calculated as follows:

5.1	Basic award (2 weeks pay @ £131.36)	£262.72
5.2	Loss of earnings for 31 weeks from 1 <sup>st</sup> July 2019 to 31 <sup>st</sup> January 2020	£4047.16
5.3	Loss of statutory rights	£300.00
5.4	An increase to the compensatory award of 7.5 % under section 207A Trades Union and Labour Relations (Consolidation) Act 1992 for unreasonably failing to comply with the ACAS Code of Practice on Disciplinary Procedures	£327.91

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6. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to the award for unfair dismissal as follows:

(a) Total amount of the monetary award	£4962.79
(b) The amount of the prescribed element	£3546.72
(c) The dates of the prescribed period are 1 <sup>st</sup> July 2019 to 6 <sup>th</sup> January 2020	
(d) The excess of the monetary award over the prescribed element is	£1416.07

EMPLOYMENT JUDGE LANCASTER

DATE 7<sup>th</sup> January 2020