



EMPLOYMENT TRIBUNALS

Claimant 1: Ionela Mariana Farcas
Claimant 2: Erico Costantini
Claimant 3: Yasmin Bevan
Claimant 4: Victoria Owens

Respondent: Ashgrove (Swansea) Ltd

Heard at: Cardiff ET on CVP **On:** 12.05.2023

Before: Employment Judge Brady

Representation:

Claimant 1: In person
Claimant 2: Did not attend
Claimant 3: In person
Claimant 4: In person
Respondent: Did not attend

JUDGMENT

1. Claimant 2 did not attend; his claim has been adjourned for further information due to the fact that he is unwell.
2. Claimants 1, 3 and 4 are entitled to claim statutory redundancy payments.
3. The respondent breached the employment contract in respect of claimants 1, 3 and 4. The respondent is ordered to pay notice pay and holiday pay in respect of claimants 1,3 and 4 and also travelling expenses in respect of claimant 1.
4. Claimants 1, 3 and 4's claim for the unauthorised deduction of wages when they were laid off is not well founded and is dismissed as there was a contract term permitting "laying off".

5. In breach of Section 13(1) of the Employment Rights Act 1996, the respondent deducted from claimant 1's wages, without her authorisation, the layoff payment. It is ordered to pay her the sum of £150 gross.

6. The respondent is therefore ordered to pay **Claimant 1** as follows:

Redundancy payment	£5424.50
Notice Pay	£8656.00
Travel expenses	£ 303.85
Deduction of Lay off payment	£ 150.00
Holiday Pay	£1278.00
TOTAL:	<u>£15811.50</u>

7. The respondent is therefore ordered to pay **Claimant 3** as follows:

Redundancy payment	£821.75
Notice Pay	£1150.45
Holiday Pay	£266.00

TOTAL: **£2238.20**

8. The respondent is therefore ordered to pay **Claimant 4** as follows:

Redundancy payment	£7308
Notice Period	£3990.00
Holiday Pay	£332.50

TOTAL: **£11630.50**

The claimants are responsible for any income tax or employee national insurance contributions that may be due on the sums awarded at paragraph 6,7,8 above.

Employment Judge Brady

Dated: 12 May 2023

JUDGMENT SENT TO THE PARTIES ON 15 May 2023

FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS Mr N Roche

NOTE:

This is a written record of the Tribunal's decision. Reasons for this decision were given orally at the hearing. Written reasons are not provided unless (a) a party asks for them at the hearing itself or (b) a party makes a written request for them within 14 days of the date on which this written record is sent to the parties. This information is provided in compliance with Rule 62(3) of the Tribunal's Rules of Procedure 2013.