



EMPLOYMENT TRIBUNALS

Claimant: Mrs G Moss
Respondent: TCH Housing Limited
Heard at: East London Hearing Centre (in public, by video)
On: 29 March 2023
Before: Employment Judge Moor

Representation

Claimant: Mrs K Peters, trade union representative
Respondent: no attendance

JUDGMENT

1. **The Respondent is ordered to pay to the Claimant £3,397.75.**
2. The Claimant was unfairly dismissed by the Respondent.
3. The Claimant was wrongfully dismissed by the Respondent.
4. The Claimant is entitled to compensation from the Respondent for 1 week of accrued but untaken holiday.
5. The Respondent made an unlawful deduction to the Claimant's wages in that it did not pay her for 88 hours work from 15 June 2022 to 11 July 2022.
6. The Respondent did not provide the Claimant with a statement of written particulars, contrary to section 1 of the Employment Rights Act 1996. It is just and equitable to make an award of 4 weeks' pay in respect of this failure.
7. The Respondent did not provide the Claimant with itemised payslips, contrary to section 8 of the Employment Rights Act 1996.

Calculation of the sum is set out in the appendix to this judgment.

Recoupment does not apply.

**Employment Judge Moor
Dated: 29 March 2023**

Calculation of Award

Week's pay average = £200 net; £250 gross.

2 complete years' service.

A. UNFAIR DISMISSAL

Basic Award

1.5 x 2 x gross weekly pay (250) 750.00

Compensatory Award

2 weeks full loss of net earnings x 200 400.00

plus 35.5 weeks x £4.50 extra travel expenses 159.75

1309.75

B. WRONGFUL DISMISSAL

Nil award because two weeks' notice

Is covered by compensatory award

C. UNLAWFUL DEDUCTION OF WAGES

£10 per hour x 88 hours **£888.00**

D. SECTION 38 EMPLOYMENT ACT 2022 AWARD

4 weeks gross pay x 250 **£1000.00**

E. ACCRUED BUT UNTAKEN HOLIDAY

192 days of holiday year elapsed to 11 July 2022

192/365 = 0.526

Yearly entitlement 5.6 weeks

Accrued entitlement 5.6 x 0.526 = 2.95 weeks

Paid holiday taken 2 weeks

Outstanding 0.95 weeks, rounded up to 1 week = **£200.00**

A + C + D

£3,397.75