

THE INDUSTRIAL TRIBUNALS

CASE REF: 27768/21

CLAIMANT: Emily Christine McKay

RESPONDENT: Moneymore Manufacturing Co Ltd

JUDGMENT

By a unanimous decision the tribunal awards the claimant a total of £10,753.80 comprised of the following:

- (a) The claimant has a right to a redundancy payment of £7,281.52.
- (b) The claimant is entitled to notice pay of £3,426.60.
- (c) The claimant is entitled to £45.68 in respect of holiday pay.

Constitution of Tribunal:

Employment Judge: Employment Judge Travers

Members: Ms McNulty
Mr Jones

Appearances:

The claimant appeared in person and represented herself.

The respondent was represented by Ms McCaffrey of Millar Shearer and Black Solicitors.

The hearing was conducted remotely by WebEx.

REASONS

1. Ms McCaffrey said that she was attending the hearing with a watching brief on behalf of the respondent. She said that the respondent was insolvent. Ms McCaffrey indicated that there was no dispute between the company and the claimant as to her entitlement to notice pay, a redundancy payment and holiday pay. Ms McCaffrey had not done a calculation of the quantum of the sums due to

the claimant. There have been two case management hearings in this case, the only issue today is the calculation of the payments.

2. The tribunal heard from the claimant and made the following findings on which its judgment is based:
 - employment commenced on 11 March 2001.
 - employment terminated on 23 January 2019 by reason of redundancy.
 - at the date of her redundancy the claimant was 63 years of age and had completed 17 full years of employment.a
 - the claimant's weekly pay was £285.55 gross per week, £57.11 per day.
3. The claimant is entitled to a redundancy payment of £7,281.52 which has been calculated pursuant to Article 197 of the Employment Rights (Northern Ireland) Order 1996.
4. Pursuant to both Article 118 of the Employment Rights (Northern Ireland) Order 1996 and her contract of employment, the claimant was entitled to 12 weeks' notice. She is therefore entitled to a payment in lieu of notice of £3,426.60.
5. Under her contract of employment, the claimant's leave year commenced on 1 January 2019. The claimant was mistaken in her understanding that she is entitled to be paid a sum in respect of her entire annual holiday entitlement because she had been unable to utilise it prior to the termination of her employment. The claimant's entitlement to holiday pay is limited to that proportion of her annual leave entitlement which had accrued by 23/01/19. By that date the claimant had accrued an entitlement to 1.80 days annual leave. She had taken one days leave prior to the termination of her employment, so she is entitled to a payment of £45.68 in respect of outstanding holiday pay [0.80 x £57.11].
6. This is a relevant decision for the purposes of the Industrial Tribunals (Interest) Order (Northern Ireland) 1990.

Employment Judge:

Date and place of hearing: 25 April 2022, Belfast.

Date decision recorded in register and issued to parties: