



# EMPLOYMENT TRIBUNALS

**Claimant: Ms S Hetherington**

**Respondent: First Class Homecare Limited**

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The Respondent acted in breach of contract by failing to pay the Claimant, which caused the Claimant to resign;
2. The Respondent unfairly constructively dismissed the Claimant;
3. The claim for unpaid wages is well-founded;
4. The Respondent is ordered to pay the Claimant a basic award of £2,151 and the sum of £300 for loss of employment rights;
5. The Respondent is ordered to pay the Claimant £7,842.82 (net) unpaid wages;
6. The Claimant has paid fees in connection with this claim. In R (on the application of UNISON) v Lord Chancellor [2017] UKSC 51 the Supreme Court decided that it was unlawful for Her Majesty's Courts and Tribunals Service (HMCTS) to charge fees of this nature. HMCTS has undertaken to repay such fees. In the circumstances I shall draw to the attention of HMCTS that this is a case in which fees have been paid and are therefore to be refunded to the Claimant. The details of the repayment are a matter for HMCTS.

Employment Judge Wallis  
Date: 23 NOVEMBER 2017