



THE EMPLOYMENT TRIBUNAL

SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE MORTON
(sitting alone)

BETWEEN:

Ms A Adams Claimant

AND

Kingston (Frangos) Ltd Respondent

ON: 19 February 2018

Appearances:

For the Claimant: In person

For the Respondent: Ms A Bhanderi, HR manager

JUDGMENT

The Judgment of the Tribunal is that:-

1. The Claimant is entitled to be paid at her normal hourly rate for hours worked but not remunerated in the periods 17 October 2016 – 23 October 2016, 24 October 2016 – 30 October 2016 and 31 October 2016 – 6 November 2016. The total number of unremunerated hours is 2.79.
2. The Claimant's contract of employment was terminated by email of 22 August 2017. The Claimant remained in the Respondent's employment until that date.
3. The terms of the Claimant's contract and in particular clause 6.1 enabled the Respondent not to off the Claimant any hours of work in a particular week or

- weeks. The Respondent did not therefore breach the Claimant's contract of employment or unlawfully make deductions from her pay in breach of s13 Employment Rights Act 1996 "ERA") by not making payments to her in the period May 11 2017 until the termination of her employment.
4. The Claimant was entitled to notice of termination of employment of one week. A week's pay should be calculated in accordance with s 222 ERA and will consist of the average pay received by the Claimant in the 12 week period ending on 18 August 2017, which in this case amounts to nil.
 5. The Claimant was entitled to accrue holiday until the termination of her employment. Her holiday pay would be calculated in the same way as her notice pay (Working Time Regulations 1998 Regulation 16) and in this case amounts to nil.

Employment Judge Morton
Date: 20 February 2018

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.