



EMPLOYMENT TRIBUNALS

Claimant: Ms Tracey Fish

Respondent 1: Obson &CO Ltd
Respondent 2: Secretary of State for Business Innovation and Enterprise
Respondent 3: Yummm Ltd t/a The Stottie Company

Heard at: North Shields **On:** 9 May 2018

Before: Employment Judge AEPitt
Ms E Mentorn
Mr J Adams

Representation

Claimant: Mr E Legard
Respondent 1: Did not appear
Respondent 2: Mr J Hunter
Respondent 3: Did Not appear

JUDGMENT

1. There was a transfer of an economic entity from Respondent 1 to Respondent 3 on 11th November 2016.
2. Neither Respondent 1 nor Respondent 3 consulted the claimant about the transfer.
3. The claimant was unfairly dismissed.
4. The claimant suffered unlawful deductions from wages as follows:
Wages for the period October 2016;
Holiday Pay for the period 2016
Wages for the period November 2016 – February 2017
Notice Period, 9 weeks
- 5 Respondent 2 is dismissed from these proceedings

JUDGMENT on REMEDY

The claimant is entitled to recover the following sums:

1. Respondent 1 and Respondent 3 are joint and severally liable for the failure to consult in the sum of	£4160
2. Unlawful Deductions from wages:	
Wages October 2016:	£645.40
Wages from November 2016- February 2017	£359.52
Holiday Pay	£144.90
Notice Pay 10 weeks wages (net) less sums earnt 10 x £241.50	£2415.00
3. Unfair Dismissal	
Basic Award 13.5 weeks x 320	£4320
Compensatory Award	
Loss of earnings 13/4/17-12/4/18	£12557.88
Less Sums earnt	(£400)
Total Loss of earnings	£12157.88
Loss of Statutory Rights	£ 500
Total Compensatory Award	£12,657.88
Total Award for Unfair Dismissal	£24702.7

Employment Judge **Pitt**

Date 27th October 2018

Note

Written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2401719/2017**

Name of case(s): **Ms T Fish** v **1) Obson & Co Ltd**
2) Secretary of State
for Business Energy
and Industrial
Strategy
3) Yummm Ltd t/a The
Stottie Company

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **29 October 2018**

"the calculation day" is: **30 October 2018**

"the stipulated rate of interest" is: **8%**

MISS K FEATHERSTONE
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.