



EMPLOYMENT TRIBUNALS

Claimants: Mrs T McCarthy
Ms S Jones

Respondent: LBS Worldwide Limited (in Corporate Voluntary Arrangement)

Heard at: Manchester **On:** 4 October 2018

Before: Regional Employment Judge Parkin

REPRESENTATION:

Claimants: Mrs McCarthy - In person
Ms Jones – No attendance, but determined on the paper

Respondent: No attendance

JUDGMENT

The judgment of the Tribunal is that:

1. Mrs T McCarthy

1.1 Mrs McCarthy was unfairly dismissed by the respondent and the respondent is ordered to pay her a compensatory award for loss of statutory rights in the sum of £336.00.

1.2 Mrs McCarthy's claim that the respondent failed to comply with the requirement under section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 is well-founded. The respondent is ordered to pay her a protective award of remuneration for the protected period of 90 days from 4 September 2017.

1.3 No Basic Award for Unfair Dismissal, notice pay or holiday pay awards are made in the circumstances that Mrs McCarthy received payments of Redundancy Payment, notice pay and holiday pay from the National Insurance Fund.

2. Ms S Jones

2.1 Ms Jones is entitled to a redundancy payment in the sum of £1615.39 representing 7 years' service when aged over 22 years at the relevant date, at her weekly pay of £230.77.

2.2 Ms Jones' claim that the respondent failed to comply with the requirement under section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 is well-founded. The respondent is ordered to pay her a protective award of remuneration for the protected period of 90 days from 4 September 2017.

2.3 Ms Jones' ET1 claim form did not include a claim for Unfair Dismissal. Whilst other claims were made in the ET1 claim form, these were not pursued by her in her letter dated 20 September 2018.

3. Recoupment Regulations

The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply to the award of loss of statutory rights for unfair dismissal in Mrs McCarthy's case but do apply to the protective award in the case of each claimant.

Regional Employment Judge Parkin

Date: 4 October 2018

JUDGMENT SENT TO THE PARTIES ON

10 October 2018

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by a party at the hearing or a written request is presented by a 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.

NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2420558/2017, 2423529/2017**

Name of **Mrs T McCarthy** v **LBS Worldwide Limited**
case(s): **Ms S Jones** (in **voluntary**
arrangement)

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: **10 October 2018**

"the calculation day" is: **11 October 2018**

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

MR S ROOKE
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.