



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: S/4100331/2018

Employment Judge: Murdo Macleod

Ms A McIntosh

Claimant

Monteiths Bar (Gourock) Limited

Respondent

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

The judgment of the Employment Tribunal is that the claimant's complaints of:-

- (a) failure to make payment to him of a redundancy payment
- (b) failure to make payment to him of notice pay due and;
- (c) failure to make payment to him of pay in respect of annual leave accrued but untaken as at the date of dismissal.
- (d) failure to pay the claimant in respect of annual leave accrued but untaken as at the date of termination of employment.

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succeed and that the respondent shall pay to the claimant the sum of:

- (a) Three Thousand, Nine Hundred and Fifty Two Pounds and Fifty Pence (£3,952.50) in respect of a redundancy payment

- (b) One Thousand, Eight Hundred and Sixty Pounds (£1,860.00) in respect of notice pay and;
- (c) Three Hundred and Twenty Five Pounds (£325) in respect of holiday pay.

REASONS

1. A copy of the claim form setting out the claimant's complaint was sent to the respondent on 26 January 2018.
2. In accordance with the terms of Rule 16 of the Rules to be found in Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 the respondent was required to enter a response within twenty eight days of the date on which a copy of the claim was sent to it but failed to do so.
3. The Employment Judge decided that on the available material a determination could properly be made without a hearing as to the liability of the respondent for the claim.
4. On the basis of the available material the Employment Judge decided he could properly determine remedy as follows:-
 - (a) In respect of the claimant's complaint of failure to pay redundancy payment the respondent shall pay to the claimant the sum of £3,952.50, based on her age and length of service, namely 17 years' service and being the age of 58 years when her employment was terminated.
 - (b) In respect of the claimant's complaint of notice pay (being 12 weeks' net pay at £155 per week) the respondent shall pay to the claimant the sum of £1,860.
 - (c) In respect of the claimant's complaint of unpaid holiday pay, the respondent shall pay to the claimant the sum of £325, being 6.5 days at £50 per day.

Employment Judge:	Murdo Macleod
Date of Judgement:	15 March 2018
Entered in register:	23 March 2018
And copied to parties	