



IN THE EMPLOYMENT TRIBUNAL (SCOTLAND) AT EDINBURGH

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**Judgment of the Employment Tribunal in Case No: 4102535/2023 Heard at
Edinburgh on the 8th of June 2023 at 11 am**

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Employment Judge J G d'Inverno

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Ms A Archibald

Claimant

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Hope and Rose Industries Ltd

**Respondent
Not appearing and
not represented**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Employment Tribunal is:-

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(First) That the claimant, whose date of birth is the 14th of August 1957 was summarily dismissed by the respondent on the 2nd of January 2023 for reason of redundancy.

5 (Second) That the claimant, who was employed in the trading premises by Manor View Housing from the 2nd of May 2014 until the 17th of December 2020 and thereafter with continuity of employment by the respondent, upon the occurrence of a relevant transfer under the Transfer of Undertakings (Protection of Employment) Regulations 2006, until the 3rd of January 2023, whose gross weekly pay, as at the Effective Date of Termination of her Employment on 3rd January 2023, was £294 and net weekly pay as at that date was £273.46; and who was aged 65 and had accrued 8 completed years of service as at the date of her dismissal, **is entitled in terms of**
10 **section 162 of the Employment Rights Act 1996, to receive a statutory redundancy payment of Three Thousand Five Hundred and Twenty Eight Pounds (£3,528) being 8 (years) x 1.5 (weeks) x £294 (per week gross).**

15 (Third) That the claimant, having been dismissed without notice, **is entitled in terms of section 86 of the Employment Rights Act 1996 to receive the sum of Two Thousand One Hundred and Eighty Seven Pounds and Sixty Eight Pence (£2,187.68), in the name of pay in lieu of minimum statutory notice entitlement, and being 8 (weeks) x £273.46 (per week).**

20 (Fourth) That as at the Effective Date of Employment of the claimant, whose holiday year ran from the 31st of March to the 1st of April annually and whose annual entitlement was to 28 days paid leave, had accrued a proportionate entitlement across 9 months and being 21 days, against which she had taken 9 days of paid leave, **is entitled to be compensated**
25 **in the sum of Six Hundred and Fifty Six Pounds and Forty Pence (£656.40), being 12 days accrued but untaken paid annual leave entitlement as at the Effective Date of Termination x £54.40 net per day.**

30 (Fifth) That contrary to the provisions of section 13 of the Employment Rights Act 1996, the respondent made an unauthorised deduction from the claimant's wages in the sum of Four Hundred and Ninety Two Pounds and Twenty Eight Pence (£492.28) net, in respect of 45 hours worked by the

claimant in the period 20th December 2022 up to and including 3rd January 2023 and being 1.8 weeks (based upon the claimant's contracted for 25 hours per week) x £273.46 net per week.

5 **(Sixth) That the respondent shall make payment to the claimant in each of the sums specified at paragraphs (Second), (Third), (Fourth) and (Fifth) of this Judgment.**

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Employment Judge: J d'Inverno
 Date of Judgment: 13 June 2023
 Entered in register: 13 June 2023
15 **and copied to parties**

20 **I confirm that this is my Judgment in the case of Archibald v Hope and Rose Industries Ltd and that I have signed the Judgment by electronic signature.**

25 An Oral Judgment together with Oral Reasons were issued to the claimant at the conclusion of the Hearing. Accordingly no written Reasons are attached to this Judgment.

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