



EMPLOYMENT TRIBUNALS

Claimants:
Miss K Perrin

v

Respondent:
Oasis Fashions Limited (in
administration)

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – rule 47

1. The claims for holiday pay and notice pay succeed.
2. The respondent is ordered to pay the claimant the sum of £115.38 in respect of pay for untaken holiday due to the claimant after a capped payment was made by the Redundancy Payments Service. This is the gross figure due; payment of the net sum may be made, provided tax and national insurance are properly accounted for.
3. The respondent is ordered to pay the claimant the sum of £767.14 by way of damages for breach of notice. This is the gross figure due after a capped payment was made by the Redundancy Payments Service. Payment of the net sum may be made, provided tax and national insurance are properly accounted for.

REASONS

1. The claimant was employed by the respondent, a national British fashion retailer which went into administration on 15 April 2020. The claimant brought an employment tribunal claim making claims for a protective award (for failure to consult), for holiday pay and for notice pay. The claim was stayed pending consent from the administrators of the respondent.
2. In the ET3 and grounds of resistance presented on 27 September 2021, the administrators of the respondent granted consent for the claimant's claim against the respondent to proceed. The respondent did not contest the claimant's claim for a protective award; judgment for a protective award was issued dated 28 January 2022.
3. The claimant's pay claims were considered at a hearing by video on 18 July 2022. The claimant did not attend and was not represented. The tribunal

accepts the information provided in the claimant's claim form (ET1) in her duplicate claim 2203582/2020 that she was entitled to pay in lieu of 1.5 days untaken holiday in the sum of £115.38.

4. The tribunal accepts the information provided in that claim form that she was entitled to 4 weeks' notice and that she was not given notice or pay in lieu of notice. The tribunal accepts the information given in the claimant's claim form that she is due pay in lieu of 2 weeks' notice after a capped payment was made by the Redundancy Payments Service and that the amount owing is £767.14. This is the gross figure; the debt to the claimant may be satisfied by payment of the net figure, provided tax and national insurance are properly accounted for.

Employment Judge Hawksworth

Date: 4 August 2022

Sent to the parties on: 8 August 2022

For the Tribunal Office

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