



EMPLOYMENT TRIBUNALS

Claimant: Miss I De Oliveira

Respondent: Sama Trading Ltd trading as N/bar

Heard at: London Central Employment Tribunal (by video)

On 25 March 2024

Before: Employment Judge Street

Appearances

For the Claimant: in person

For the Respondent: Mr M Hangari, director

JUDGMENT

The Respondent is ordered to pay £534.49 by way of damages for breach of contract. That is not subject to tax and to be paid in full.

Employment Judge Street

26 March 2024

JUDGMENT SENT TO THE PARTIES ON

9 April 2024

.....
AND ENTERED IN THE REGISTER

.....
FOR THE TRIBUNAL OFFICE

Calculation

Pay was due for the balance of the two week notice period from 5 October to 14 October 2023

Average hours per year were 1623

Average hours per week were 31.21.

Pay was £12 per hour.

Tips not included, being payments from clients, not contractual

Commission is included at an average of £7.96 per week.

Weekly earnings were £374.52 plus commission at £7.96.

Pay due for two week's notice is $£374.52 \times 2 = £749.04$ plus $£7.96 \times 2 = £15.92$

Total pay due for notice period: £764.96

Bonus unpaid and payable on termination £150

Total gross award £914.96

Less paid to 5 October 2024, excluding tips: £128.95

Sum due, gross, that is without tax or national insurance: £914.96 - £128.95: **£786.01.**

Tax and National Insurance

The award is of damages and is within the exemption of £30,000 in respect of termination payments.

It is not further taxable before payment or when received by the Claimant.

It therefore has to be adjusted to take account of the fact that the Claimant would have received it net of tax and national insurance if it had been paid as notice pay or earnings.

The sum that would have been paid in tax and national insurance is 32%

The overall sum is ordered subject to a deduction of 32%; that is £251.52.

Payable is £534.49

Notes

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

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>