

YG



EMPLOYMENT TRIBUNALS

Claimant: Mr A Polman

Respondent: 1. Euro Closed Loop Recycling Limited (in Administration)
2. Secretary of State for Business, Energy & Industrial Strategy

Heard at: East London Hearing Centre **On:** 24 April 2017

Before: Employment Judge Brown (sitting alone)

Representation

Claimant: In Person

Respondents: Did not attend and were not represented

JUDGMENT

It is the judgment of the Employment Tribunal that:-

1. The First Respondent failed to pay the Claimant accrued holiday pay on termination of his employment.
2. The Claimant is entitled to be paid £1,913.69 holiday pay which was accrued but untaken at the termination of his employment.

REASONS

1. The Claimant's claim was one of a number of joined cases which were heard in the Employment Tribunal on 10 and 11 March and 1 April 2016. The joined cases arose out of the Claimants having been laid off by the First Respondent in summer and autumn 2016. At the time of that hearing the First Respondent was not in administration. Also at the time of that hearing, Mr Polman, the Claimant, had not resigned and was still employed by the First Respondent.

2. A number of other Claimants had resigned by the date of that hearing and I decided that they were entitled to be paid redundancy payments, notice pay and holiday pay.
3. I decided, at that hearing, that Mr Polman would be entitled to a redundancy payment if he resigned, giving notice, within 3 weeks of the Tribunal Judgment in that hearing. Seeing that Mr Polman's employment had not terminated by the date of that hearing, he was not, at that time, entitled to be paid for his accrued but untaken holiday pay at termination of employment under *Reg 14 Working Time Regulations 1998*.
4. Mr Polman resigned on 10 March 2016, giving notice which expired on 8 April 2016.
5. The First Respondent did not pay the Claimant for his accrued, but untaken, holiday at the termination of his employment.
6. The First Respondent went into Administration on 29 April 2016.
7. On 27 May 2016 Mr Polman wrote to the Employment Tribunal, saying that he had resigned, giving 4 weeks notice, which expired on 8 April 2016. He said that he had been told by the Redundancy Payments Office that he required a Judgment for it to make payments to him.
8. On 18 August 2016 the Secretary of State was joined as a Respondent to the claims.
9. On 6 September 2016 the Administrator gave its consent for the proceedings to be continued and a Judgment to be given in the case of Mr Polman.
10. The Secretary of State has told the Employment Tribunal that Mr Polman has now received a redundancy payment, but not holiday pay. On 2 March 2017 the Secretary of State confirmed that it had no objection to a Remedy Hearing proceeding in Mr Polman's case, so long as it related only to holiday pay.
11. The Claimant attended the hearing today. No other party attended or was represented.
12. The Claimant's annual pay was £23,000. His weekly gross pay was therefore £442.31.
13. The holiday year ran from 1 July each year. Mr Polman was given no paid holiday between 1 July 2015 and the termination of his employment on 8 April 2016. There were 282 days between 1 July 2015 and 8 April 2016.
14. The Claimant was therefore entitled to accrued holiday pay calculated thus:
 $282/365 \times 5.6 \text{ weeks} \times £442.31 = £1,913.69$.

Employment Judge Brown

24 April 2017