



EMPLOYMENT TRIBUNALS

Claimant: Ms G Gant

Respondent: Mr Mazah Ali

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The claimant's complaint of accrued holiday pay is well-founded and succeeds. The respondent is ordered to pay to the claimant the sum of £1,308.16 in respect of accrued holiday pay. This sum is to be paid gross and the claimant is to be responsible for the payment of any income tax and National Insurance Contributions thereon.

REASONS

1 This matter came before me this morning for consideration of the claimant's complaint of failure to pay accrued holiday pay. By a claim form presented on 17 February 2017, the claimant alleged that she had been employed by the respondent since March 2014, but has never received any holiday pay. The respondent failed to present a response within the appropriate time limit and the matter was listed today for calculation of any sums found to be due to the claimant. The claimant attended in person and gave evidence under oath. The respondent did not attend.

2 The claimant confirmed that her employment had commenced on 10 March 2014. Her hours of work varied from week to week, but never less than 16 hours per week. The claimant confirmed that she was willing to limit her claim for holiday pay to 16 hours per week.

3 The claimant confirmed that she had never received any holiday pay throughout her employment. Pursuant to the Deduction From Wages (Limitation) Regulations 2014 the claimant must limit her claim to the last 2 years of unpaid holiday pay.

4 The claimant confirmed that the respondent's holiday year commences on 6 April each year and ends on 5 April each year. The claimant claims holiday pay for the holiday years ended April 2016 and April 2017.

5 The claimant's hourly rate during that period was £7.30p per hour. At 16 hours per week that amounts to £116.80p. The daily rate therefore is £23.36p. The claimant is entitled to 28 days paid holiday per annum under the provisions of the Working Time Regulations 1998. The claimant's entitlement is therefore £654.08 per annum. Two years accrued holiday pay is therefore £1,308.16p.

6 I order the respondent to pay to the claimant accrued holiday pay in the sum of £1,308.16p.

Employment Judge Johnson

Date: 19 April 2017

JUDGMENT SENT TO THE PARTIES ON

26 April 2017

AND ENTERED IN THE REGISTER

G Palmer

FOR THE TRIBUNAL OFFICE