



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Miss C Murray**

**v**

**Home Proud UK Ltd**

**Heard at:** Watford

**On:** 28 September 2018

**Before:** Employment Judge A Clarke QC

## **Appearances**

**For the Claimant:** In Person

**For the Respondent:** No attendance

## **JUDGMENT**

1. The respondent shall pay to the claimant a sum of £962 in respect of wages for the period 30 May to 28 June 2017.
2. The respondent shall pay to the claimant the sum of £103.42 in respect of accrued holiday pay as at the date of termination of her employment.

## **REASONS**

1. The claimant worked for the respondent from 30 May to 28 June 2017. By a claim form presented on 9 October 2017 she made a claim for unfair dismissal, for unpaid wages, for notice monies and for holiday pay.
2. No response having been received from the respondent judgment was entered under Rule 21 of the Employment Tribunal Rules on 9 February 2018. At the same time the unfair dismissal claim was dismissed by reason of the claimant's lack of qualifying service.
3. The hearing today was to determine the sums to be paid to the claimant in respect of her claims for unpaid wages, notice monies and holiday pay.
4. The claim for unpaid wages is a claim under Part II of the Employment Rights Act 1996, whereby a failure to pay anything amounts to a deduction. Here, no wages were paid. I am satisfied that the claimant worked for the respondent from 30 May to 28 June and during that period completed 40 hours work. She should have been paid on the basis of a gross wage of

£25 per hour. Her loss, after tax, is £962 being the sum that she would have been paid for that period of work. Hence, I award that net sum.

5. The claimant has no entitlement to notice. She had worked for less than one month, hence the statutory minimum period of notice (of one week) provided for by s.86 of the Employment Rights Act 1996 does not apply. Hence, I make no award in respect of notice monies.
6. During the period of work the claimant took no holiday, but did accrue rights to paid holiday under Regulations 13 and 13A of the Working Time Regulations 1998. Hence, at the time of the termination of her employment she was entitled to be paid, in accordance with Regulation 14, in respect of untaken holiday. She had worked for four weeks. The calculation required by Regulation 14 provides for her to receive 0.43 of a week's pay. That sum is to be calculated by reference to s.242 of the Employment Rights Act 1996, given that there were no normal working hours week on week. Hence, she is entitled to 0.43 of the weekly pay calculated by reference to the £962 which she should have received in respect of the four weeks that she worked. That gives rise to a payment which should be made to her of £103.42.

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Employment Judge A Clarke QC

Date: ...08.10.18.....

Sent to the parties on: ...31.10.18.....

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For the Tribunal Office