EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4111750/2018

Employment Judge: Mary Kearns

Mrs I McDonald   **Claimant**

Hamishes Hoose   **Respondent**

JUDGMENT
Rule 21 of the Employment Tribunal Rules of Procedure 2013

1.   The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the sum of £223.

2.   The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the sum of £141.

3.   The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of £243.

4.   The hearing listed on Thursday 26 September 2018 at 10am is cancelled.

REASONS

1.   The claimant was employed by the respondent as a kitchen hand from 16 January to 30 April 2018. On 5 July 2018 she presented an application to the Employment

Tribunal in which she applied for notice pay, holiday pay and arrears of pay. The respondent has failed to lodge a response and judgment is given by default.

2.   The total claimed by way of arrears of pay is £223.32, rounded to the nearest whole pound (£223). This comprises unpaid wages for 5 hours on 15 April 2018; 19.5 hours for w/c 16 April 2018; and 4 hours on 30 April 2018. The claimant's hourly rate was £7.83.

3.   The claimant is owed accrued holiday pay for the 3.5 months she worked. The annual entitlement is 5.6 weeks. The correct calculation is as follows.

   (a) The claimant worked on average 18 hours per week @ £7.83 per hour and received average weekly pay of £140.94.

   (b) £140.94 x 5.6 = £789.26 annual payment. Pro-rating this for the period worked:- £789.26 x 16/52 = £242.85. Rounding to the nearest whole pound gives holiday pay of £243.

4.   The claimant is entitled to one week's notice rounded to £141.

5.   The other sums mentioned in the claimants' email of 22 July 2018 are not within the jurisdiction of the Tribunal.

Employment Judge: Mary Kearns
Date of Judgement: 15 August 2018
Entered in register: 17 August 2018
And copied to parties