



EMPLOYMENT TRIBUNALS

Claimant

Mr P Longbottom

v

Respondent

1. Mr Parminder Ragoo

2. Leeds Handyman Limited

PRELIMINARY HEARING

Heard at: **Leeds**

On: **4 June 2018**

Before: **Employment Judge O'Neill**

Appearance:

For the Claimant: **In person**

For the 1st Respondent: **In person**

For the 2nd Respondent: **Mr P Ragoo**

REASONS

1. The Claimant was employed by Leeds Handyman Limited (the Company). Mr Sagoo was the principal Shareholder and Director. The other shareholder was his wife who was the Company Secretary. The Company got into financial difficulty and was dissolved on 20 March 2018.
2. Neither party produced any documentary evidence of the employment relationship. Mr Sagoo produced on his telephone a copy of a wage slip dated 27 July 2017 which recorded the name of the employer as Leeds Handyman Limited. The letter giving notice dated 05 February 2018 was issued by Leeds Handyman Limited. The Claimant agreed that Leeds Handyman Limited was his employer.

Redundancy (135 and 162 Employment Rights Act 1996 (ERA 1996)).

3. On 05 February 2018 the Company gave the Claimant 2 week's written notice of dismissal by reason of redundancy to end on 16 February 2018 which was the effective date of dismissal.
4. As at 16 February 2018 it was agreed that the Claimant was aged 57, had two complete years of service and a gross weekly wage of £396. He was entitled to a Redundancy Payment of £1188 calculated as follows:

2 years of service x 1.5 age factor x £396.

Holiday Pay (Regulations 13, 14 and 30 Working Time Regulation 1998).

5. The Claimant and Mr Sagoo agreed that the Holiday year began on 1st January. They also agreed that in 2018 the Claimant had had 3 days holiday and had worked 7 weeks as at 16 February 2018.

He was entitled to 1 day's holiday accrued but not taken as at 16 February 2018 calculated as follows:

$$\frac{7}{52} \times 28 = 3.76 = 4$$

52

4 less 3 days = 1 day.

The Claimant is entitled to £65.05 compensation in respect of statutory holiday accrued but not taken at the date of dismissal.

Unauthorised Deduction of Wages (S13 and S24 ERA 1996).

6. The Claimant and Mr Sagoo agreed that he was paid wages 4 weekly and would have been due £1301 net on 9 February.

He was not paid £1301 but only paid £790 leaving a shortfall of £511 net.

In addition he worked 3 days in the following week for which he was not paid amounting to £195.15 net.

7. The Claimant was not paid the wages properly payable to him and is entitled to Compensation in the sum of £706.15.
8. The Respondent has failed to show that it was contractually entitled to deduct sums in respect of holiday taken in the holiday year 2017 in excess of the statutory entitlement.
9. The Company has been dissolved and is without assets. The Claimant may wish to contact the Citizen's Advice Bureau about making a claim through the Redundancy Payments Fund.

6 June 2018

Employment Judge O'Neill