



EMPLOYMENT TRIBUNALS

Claimant

Mr E Gomes

Respondents

1 Honeypot Group Operations
Limited
2 Irina Sequeira

Held at: Watford
Before: Employment Judge Manley

On: 29 January 2019

Claimant: In person
Respondents: No attendance

JUDGMENT having been sent to the parties on 29 January 2019 and reasons having been requested in accordance with Rule 62(3) of the Rules of Procedure 2013, the following reasons are provided:

REASONS

Introduction and issues

- 1 This matter was listed for a one-hour hearing when the claim form for unlawful deduction of wages was served on the first named respondent in July 2018.
- 2 A response was received with Irina Sequeira named as the respondent. She was therefore joined as a second respondent pending clarification at the hearing. The claimant believed that Irina Sequeira was the correct respondent at that stage.
- 3 The response stated that the claimant's dates of employment were 1 September 2017 to 27 April 2018. It also stated that his annual holiday entitlement was 18.3 days and he had taken 7 days, leaving 11.3 which, it was said had been paid with his last payment.

The Hearing

- 4 The hearing commenced at 11.10 am with a discussion about the identity of the respondent. No one attended for the respondents. The ACAS certificate showed the name of the first respondent so the second individually named respondent was removed from the proceedings.
- 5 The claimant stated that he commenced employment in April 2017 and left April 2018 and that he had taken 5 days holiday. The holiday year was July to August. He provided details of his gross and net pay from which a daily rate of £84.13 was calculated.
- 6 The claimant also stated that he worked very long days but agreed that the contract allowed for those long hours. I made the conclusions set out below on the basis of the evidence before me.
- 7 After the judgment was sent to the parties, an email dated 5 March 2019 asked for "*an extension in relation to the above case*". Written reasons were requested by an HR Manager at "*the hive*" on 2 April 2019. A letter was sent making it clear that reasons could only be provided to a named party and, on 29 April 2019, that HR Manager confirmed that she was the HR Manager for the first respondent. Although the application for written reasons is out of time, I have decided to provide reasons so that the respondent can understand what happened at the hearing.

Conclusions

- 8 The second respondent is removed from the proceedings. The correct respondent is Honeypot Group Operations Limited.
- 9 The claimant's complaint of unlawful deduction of wages for failure to pay holiday pay succeeds. The amount due is the claimant's entitlement for 18.3 days (23.3 – 5 taken) as he worked for the first respondent in July and August 2017 and the holiday year commences on 1 July and he left on 27 April 2017. The first respondent is ordered to pay the net sum of **£711.77** (seven hundred and eleven pounds and 77 pence) to the claimant.
- 10 The claimant is not entitled to further sums because of the long hours he allegedly worked.
- 11 The first respondent has acted unreasonably in defending this claim and failing to attend the hearing. It is also ordered to pay **£114** to the claimant for three hours preparation time at the rate of £38 per hour under rules 75, 76 and 79 Employment Tribunal Rules of Procedure 2013.

Employment Judge Manley

Dated 13.05.19

JUDGMENT SENT TO THE PARTIES ON

.....14.05.19.....

AND ENTERED IN THE REGISTER

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FOR SECRETARY OF THE TRIBUNAL