



EMPLOYMENT TRIBUNALS

Claimant: Mr J Wells
Respondent: Pale Ale Trading Limited trading as The Prince Arthur Pub
Heard at: East London Hearing Centre
On: 6 June 2019
Before: Employment Judge Foxwell

Representation

Claimant: In person
Respondent: No appearance

JUDGMENT

The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of £272 gross.

REASONS

1. The claimant, Mr John Wells, presented a claim for holiday pay to the Tribunal on 5 March 2019 in respect of the time he spent working at the Prince Arthur Pub at 95 Forest Road, London E8. He named his employer as either Andy Bird or the pub itself. Prior to commencing his claim, he obtained an early conciliation certificate from ACAS dated 5 March 2019 naming both.
2. The Tribunal served the proceedings by sending them to the pub but there was no response and no one has attended today's hearing on behalf of the respondent. Notice of this hearing was contained in the papers served by the Tribunal.
3. I heard evidence from the claimant. He told me, and I accept, that he worked at the pub between 8 December 2018 and 2 February 2019 (8 weeks) and that he did not take holiday during this period. He also told me, and I accept, that he was paid an hourly rate of £8.50 for an 8 hour day. He presented a payslip which showed that the correct identity of his employer was Pale Ale Trading Limited and a search shows that Mr Bird is a

director of this company. I exercised my case management power under Rule 34 of the Tribunal's Rules of Procedure to substitute Pale Ale Trading Limited as respondent and dispensed with reservice of these proceedings. I was satisfied that the respondent was unlikely to participate in the claim given Mr Bird's failure to do so thus far.

4. Workers are entitled to 28 days' paid holiday per annum under the provisions of the Working Time Regulations. Where employment ends they are an entitled to a payment in lieu of accrued but untaken holiday. In the case of an employee in the first year of employment this entitlement accrues pro-rata at the beginning of each month of employment. On this basis, I calculated that the claimant had accrued 4 full days holiday at the date when his employment ended. His daily rate was £68 (£8.50 x 8) and therefore he is entitled to a payment of £272.

Employment Judge Foxwell

6 June 2019