



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr H Munawar

v Clean Box Ltd

Heard at: London Central

On: 18 November 2019

Before: Employment Judge A James

Representation

For the Claimant: In person

For the Respondent: Mr O'Callaghan, counsel

JUDGMENT

Following the hearing of oral evidence from the claimant and legal submissions from the claimant and Mr O'Callaghan for the respondent, the decision of the tribunal is that:

- (1) The claim for breach of contract (notice pay) succeeds (Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994). The Respondent is ordered to pay to the claimant the sum of £175.75 (i.e. £270 for a 30 hour week at £9 per hour less a week's statutory sick pay of £94.25)
- (2) The claim for holiday pay (S.23 Employment Rights Act 1996/Regulation 14 Working Time Regulations 1998) succeeds. The respondent is ordered to pay to the claimant the sum of £1,146 (see the calculations in the Annex below).

Employment Judge A James
London Central Region

Dated 18 November 2019

Sent to the parties on:

20 November 2019

For the Tribunals Office

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant (s) and respondent(s) in a case.

ANNEX TO JUDGMENT

Calculations on holiday pay

1 June to 7 October 2018

129 days or $129/365 = 0.353$ years

$0.353 \text{ years} \times 5.6 \text{ weeks} \times 25 \text{ hours} \times \text{£}8 \text{ per hour} = \text{£}395.36$

8 October 2018 to 10 February 2019

125 days, or $125/365 = 0.342$ years

$0.342 \text{ years} \times 5.6 \text{ weeks} \times 40 \text{ hours} \times \text{£}8 \text{ per hour} = \text{£}612.86.$

Note, holiday pay received for 3 days (25 and 26 December 2018 and 1 January 2019) in the sum of $6.67 \text{ hours} \times \text{£}8 \times 3 \text{ days} = \text{£}160.08.$ Note, this was not taken into account in the figures given during the hearing, hence the difference between the figure below and that given during the hearing.

Net pay due for the period is therefore $\text{£}452.78$

11 February to 23 April 2019

72 days, or $72/365 = 0.197$ years

$0.197 \text{ years} \times 5.6 \text{ weeks} \times 30 \text{ hours} \times \text{£}9 \text{ per hour} = \text{£}297.86$

Total holiday pay due is therefore $\text{£}1,146.00.$