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EMPLOYMENT TRIBUNALS

Claimant: Ms S Davies

Respondent: Michael Campbell

Heard at: East London Hearing Centre

On: Monday 11 November 2019

Before: Employment Judge Ross (sitting alone)

Representation

Claimant: In person

Respondent: Neither present nor represented

JUDGMENT

The judgment of the Employment Tribunal is that:-

1. The complaint of unlawful deduction from wages under section 13 Employment Rights Act 1996 is upheld.
2. The complaint of unpaid holiday pay under the Working Time Regulations 1998 is upheld.
3. The Respondent shall pay the Claimant £1,484 (to be paid net of lawful deductions for tax and national insurance).

REASONS

1. The Claimant was employed by the Respondent as a pub manager between 27 May and 17 June 2019. After a period of Early Conciliation between 26 June and

18 July 2019, the Claimant presented a Claim on 22 July 2019, bringing complaints of unlawful deduction from wages and for accrued but unpaid holiday pay.

2. I heard oral evidence from the Claimant, which I accepted in full. I found the following facts:

- 2.1 The Claimant was paid one week in arrears.
- 2.2 When she resigned, after working Monday to Thursday in her final week, she was owed wages for one week in hand plus those four working days of her final week.
- 2.3 The Claimant was not paid those wages, which were £530 gross for one week and £424 gross for the final four days of work.
- 2.4 The Claimant was not paid accrued holiday pay.
- 2.5 The Claimant had fully co-operated with the Respondent to ensure that she would be paid.
- 2.6 The Claimant had never been provided with a statement of terms and conditions of employment, contrary to section 1 Employment Rights Act 1996.

3. Directing myself to the relevant law, I awarded the following sums:

- 3.1 Unpaid wages: £954;
- 3.2 Accrued holiday pay (equivalent to 2.5 days): £265

4. Further, I decided that it would be just and equitable to make an award under section 38 Employment Act 2002, because no s.1 ERA statement of terms and conditions had been given to the Claimant and she had done all she could to ensure payment of her wages. I assessed this to be half of her monthly pay, being £265.

Employment Judge Ross
Date: 13 November 2019