



EMPLOYMENT TRIBUNALS

Claimant: Mr F Gueret

Respondent: Pairview Limited

Heard at: London East Employment Tribunal

On: Monday 9 December 2019

Before: Employment Judge John Crosfill

Representation:

For the Claimant: In person

For the Respondent: Ms Olabisiisi Abu the Head of Finance and Operations

Judgment

1. The Respondent unlawfully deducted the sums of £657.53 in wages for the period 1 – 8 April 2019 and the sum of £576.92 in respect of annual leave accrued but untaken from the final installment of the Claimant's wages.
2. The Respondent is ordered to pay the Claimant the said sums of £657.53 and £576.92 being a total of **£1,234.45** as wages.
3. The Respondent breached the Claimant's contract of employment by withholding the said sums but no separate award is made under the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994.
4. The Respondent's counterclaim brought under the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 is dismissed.
5. The calculations for the sums above are as follows:
 - 5.1 The Claimant was not paid for the period 1 – 8 April 2019. His salary of £30,000 is deemed to accrue daily. The sum due is therefore $8/365 \times £30,000 = £657.53$.
 - 5.2 The Claimant's dismissal took effect on 8 April 2019, 97 days into the leave year. Under the Working Time Regulations 1998 he had accrued $97/365 \times 5.6$ weeks of leave = 1.48 weeks or 7.44 days. His contract of employment

limited compensation in lieu of leave to 5 working days = 1 week's pay.
 $\text{£}30,000/52 = \text{£}576.92$.

6. The recoupment regulations do not apply to the said awards.

Employment Judge John Crosfill

9 December 2019