



EMPLOYMENT TRIBUNALS

Claimant: Mr G Kuodis

Respondents: (1) TSL Limited
(2) TSL (Wales) Limited

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

- (1) Respondent (2) – TSL (Wales) Limited – must pay the claimant’s accrued holiday entitlement, which is assessed in the sum of **£387.27**
- (2) The claim against respondent (1) – TSL Limited – is stayed. **UNLESS ORDER:** Unless the claimant makes a written application to lift the stay by 4 May 2020, that claim will be dismissed without further order, pursuant to rule 38. Any such application must explain on what possible basis respondent (1) could be liable to the claimant, given the information contained in its Grounds of Resistance, in particular the fact that it is not and never has been a bus company.
- (3) This Judgment was made and takes effect on 5 February 2020.

REASONS

1. By way of background, I refer to the Judgment against respondent (1) and the Reasons for it dated 28 February 2019. That Judgment was set aside in September 2019, pursuant to rule 20(4), when I gave respondent (1) more time to present a response. Also in September 2019, I made an order joining respondent (2) as a respondent and it was notified of the claim. It was given until 8 October 2019 to present a response and has failed to do so. Rule 21 therefore applies and this judgment is issued pursuant to that rule.
2. The rest of these Reasons repeats parts of the Reasons for the Judgment of 28 February 2019.
3. This is a claim for compensation for accrued but untaken holiday under regulations 14 and 30 of the Working Time Regulations 1998. It relates to work done from (according to the claim form) 8 May to 19 June 2018. The claimant has provided wage slips for May and June 2018. Payment for work done in June was paid on 15 July 2018. The

claimant went through early conciliation from 23 September to 16 October 2018 and the claim was issued on 16 October 2018. There are therefore no time limits issues.

4. The wage slip for June shows the claimant's taxable gross pay for the year to 30 June 2018 as £8,344.25. For May and June 2018, his gross pay was £3,208.50. The claim form states that his employment began on 8 May 2018, but that cannot be right if the wage slips are right. Nevertheless, I am proposing to deal with the claim as it has been put in the claim form, which is (section 8.2 of the form), "*From 08.05.2018 'til 19.06.18 I have worked for TSL Ltd as a minibus driver. After I finished I did not get paid my holiday money...*".
5. The wage slips do not show any holiday pay being paid in relation to the months of May and June 2018 and I therefore assume that no holiday was taken during those months. The claimant's accrued holiday pay for those two months can be calculated as a percentage of total pay – 12.07 percent. 12.07 percent of £3,208.50 is £387.27.

Employment Judge Camp
5th February 2020

Sent to the parties on:

17th February 2020

For the tribunal:

FAHMIDA BEGUM