



THE EMPLOYMENT TRIBUNALS

Claimant
Ms L Aresone

Respondent
Green Eco Cleaners Limited

EMPLOYMENT JUDGE GARNON
MADE AT NORTH SHIELDS

ON 6 February 2020

JUDGMENT (Liability and Remedy)
Employment Tribunals Rules of Procedure 2013 –Rule 21

- 1. The claims of unlawful deduction of wages and failure to pay compensation for untaken annual leave are well founded.**
- 2. On the claim of former, I order the respondent to repay to the claimant £1223.24 gross of tax.**
- 3. On the later, I order the respondent to pay to the claimant compensation of £235.80 gross of tax.**
- 4.The hearing listed for 4 March 2020 is cancelled**

REASONS

1. The claim was accepted and served, by post to the registered office of the respondent as confirmed by a company search on 7 January 2020. A response was due by 4 February but none was received. An Employment Judge is required by rule 21 of the Employment Tribunals Rules of Procedure 2013 to decide on the available material whether a determination can be made and, if it can, obliged to issue a judgment. I have in the claim form sufficient to decide both liability and remedy.

2. The law relating to unlawful deduction of wages is in Part 2 of the Employment Rights Act 1996 (the Act) . The Working Time Regulations 1998 (WTR) say in Regulation 14 where a worker's employment is terminated during the course of his leave year, and on the date on which the termination takes effect the proportion he has taken of the leave to which he is entitled in the leave year differs from the proportion of the leave year which has expired. his employer shall make him a payment in lieu of untaken leave calculated by a formula. Such sums are awarded gross of tax.

3.The claimant's gross weekly pay for 24 hours at £8.21 was £197.04. On 24 September 2019 he gave notice to terminate his employment of one week, the minimum

specified in s 86(2) of the Act. The respondent told him he need not work it. Delaney -v- Staples held the employer must still pay for that week. His pay for hours worked from 15 August to 14 September inclusive was **£710.11** which he has not been paid . From 15 September to 24 September he worked 38.5 hours which come to **£316.09** which he has not been paid. From 25 September to the expiry of his notice he would have worked 24 hours which earns him **£197.04** again not paid. The total unpaid is **£1223.24**

4. His annual leave entitlement under the WTR is 5.6 weeks which would earn him £1103.42. He took no paid leave in his employment which started on 15 July and would have ended on 1 October - a period of 78 days . Dividing £1103.42 by 365 days in a year and multiplying by 78 produces compensation of **£235.80**.

Employment Judge Garnon
Date signed 6 February 2020