



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4110607/2019

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Held in Glasgow on 10 January 2020

Employment Judge R Gall

10 **Mr W Hobbs**

**Claimant
In Person**

15 **Elite Energy Limited**

**Respondent
No appearance and
No representation**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

20 The Judgment of the tribunal is that the respondents are ordered to pay to the claimant the following amounts:

1. Payment in respect of notice due to breach of contract in not giving notice to the claimant of termination of his employment. The contractual entitlement was to 4 weeks' notice. The sum due to the claimant that the respondents are ordered to pay to him is £2,769.23 gross.

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2. Payment in respect of holidays accrued but untaken by the claimant at date of termination of his employment. The sum which the respondents are ordered to pay to the claimant is £276.92 gross.

3. Outstanding wages in the sum of £692.31 being monies deducted by way of lie time and unpaid to the claimant.

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REASONS

E.T. Z4 (WR)

1. This case called for a hearing at Glasgow on 10 January 2020. The claimant appeared. There was no appearance or representation by the respondents who had not lodged form ET3. The respondents are in fact a company in creditors' voluntary liquidation.
- 5 2. The claimant worked for the respondents between January 2018 and May 2019. His employment was ended summarily in circumstances which might give rise to a claim of unfair dismissal had the claimant had two years' continuous service. The claim however related to monies in respect of notice or notice pay which ought to have been given to the claimant on termination
10 of his employment. It also extended to a claim for holiday pay in respect of holidays accrued but untaken at termination of his employment. A further element of claim was in respect of lie time as the claimant had a week's pay deducted from his first wage. That week's pay had not been paid to the claimant in the remainder of his employment or on termination of his
15 employment.
3. I heard evidence from the claimant. I found him to be entirely reliable and credible. He produced and referred to in evidence his contract of his employment and various wage slips. Those wage slips show him as earning £3,000 gross per month. His weekly gross pay was therefore £692.31.
- 20 4. The claimant's employment ended on 3 May 2019. He was not given any notice. His employment ended on the day he was informed of its termination. The contract provides in clause 17 that he was entitled to four weeks' notice. four weeks' pay in lieu of notice amounts to £2,769.23 gross. The respondents are ordered to pay that amount to the claimant.
- 25 5. The holiday year of the respondents ran from 1 January to 31 December. The holiday entitlement of the claimant was 28 days including statutory and public holidays. The claimant had accrued one third of his annual entitlement at date of termination of his employment. He had taken seven days of leave although he had accrued nine days of leave. He is therefore entitled to
30 receive payment in respect of two days of leave accrued but untaken at time

of termination of his employment. The sum due to him in that regard is £276.92 which the respondents are ordered to pay to him.

6. When the claimant commenced employment in January 2018, he was due to be paid at the end of that month for three weeks' work. His employer paid him for two weeks of work saying that one week was being retained as lie time. That week's pay amounted to £692.31 gross. It has never been paid to the claimant. The respondents are therefore ordered to pay that amount to him.

10 Employment Judge: Robert Gall
Date of Judgement: 10 January 2020

Entered in Register,
Copied to Parties: 13 January 2020