



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr I Sanderson

v

JG Trade Windows Limited

Heard at: Leeds

On: 21 January 2020

Before: Employment Judge Shulman

Representation:

Claimant: In person

Respondent: Did not appear and was not represented

JUDGMENT

1. The correct title of the respondent is JG Trade Windows Limited.
2. The Judgment of the Tribunal is that the respondent shall pay the claimant the sum of £364.44 by way of holiday pay and £2,632.00 by way of unauthorised deduction of wages. Total £2,996.44.
3. The claim for unfair dismissal is withdrawn by the claimant and is hereby dismissed.

REASONS

Introduction

1. In this case Mr Sanderson was employed by JG Trade Windows Limited as a window fitter from 5 November 2018 until his resignation on 30 September 2019. The claimant complains to this Tribunal that he is owed holiday pay and wages.

Issues

2. The issues in this case relate to whether the claimant was entitled to holiday pay and whether or not the respondent made an unauthorised deduction of wages.

Facts

3. The Tribunal having carefully reviewed all the evidence (both oral and documentary) before it finds the following facts (proved on the balance of probabilities):
4. So far as holiday pay is concerned the claimant was unable to produce a contract of employment dealing with entitlement to holiday pay and therefore the Tribunal relies in the calculation of holiday pay upon the Working Time Regulations 1998.

5. The claimant is therefore entitled to 28 days holiday and his holiday year commenced on 5 November 2018 and he did not serve a full year but did serve 82% of that year for the purposes of calculation of holiday pay.
6. During that year he took 8 days public holiday and 12 further days.
7. He was entitled to 23 days for the period he worked and as such he was unpaid for 3 days holiday.
8. His gross annual salary was £31,584.00 leaving a daily rate for the calculation of holiday purposes of £121.48 and that multiplied by 3 days gives a total for holiday pay of £364.44.
9. As far as his alleged unauthorised payment of wages is concerned he was not paid for the whole of the last month in which he worked, (the month of September 2019). Indeed, he did not receive a payslip for that month.
10. The gross figure for a month's pay is £2,632.00 and that is the figure to which he is entitled for unauthorised deduction of wages.

Determination of the issues

11. After listening to the factual submissions made by or on behalf of the claimant and in the absence of the respondent who failed to file a response, the Tribunal finds that the claimant was indeed entitled to 3 days holiday pay and 1 month's unauthorised deduction of wages.
12. For the sake of completeness, but as specified above, the sum in respect of holiday pay entitlement is £364.44 and the sum in respect of unauthorised deduction of wages was £2,632.00 making a total of £2,996.44.
13. The Tribunal explained to the claimant in respect of the claim for unfair dismissal that as he the claimant stated the reason he resigned was because he was not being paid that the claimant did not have the necessary two-year qualifying period to complain for unfair dismissal and as a result the claimant withdrew his claim for unfair dismissal and the Tribunal has dismissed it.

Employment Judge Shulman

27 January 2020

Sent to the parties on:

29 January 2020