



# EMPLOYMENT TRIBUNALS

**Claimant:** Gyunay Hasanov

**Respondent:** Prima Nova Limited

**Heard at:** Newcastle (by CVP)

**On:** 19 May 2021

**Before:** Employment Judge Martin

## REPRESENTATION:

**Claimant:** In person

**Respondent:** No attendance or representation

This case was heard by way of Cloud Video Platform (“CVP”) due to the ongoing issues around the Coronavirus Pandemic. The parties agreed to the hearing being heard by CVP.

## JUDGMENT

1. The claimant's complaint of unlawful deduction from wages is well-founded. The respondent is ordered to pay to the claimant the sum of £182.60.
2. The claimant's complaint of breach of the Working Time Regulations (Holiday Pay) is also well-founded. The respondent is ordered to pay the claimant the sum of £456.

## REASONS

1. The claimant attended the hearing today and gave evidence on his own behalf. There was no attendance or representation from the respondent, who had not filed a response in these proceedings. The Tribunal considered the documents in the file which included the claim form, emails from the claimant dated 6 April and 17 May and an email from the respondent dated 20 April 2021.
2. The Tribunal considered section 13(3) of the Employment Rights Act 1996 which provides that where the total amount of wages paid to an employee is less than the total amount of wages properly payable to him, the amount of the deficiency

shall be treated as a deduction by the employer from the worker's wages on that occasion.

3. The Tribunal also considered regulation 14 of the Working Time Regulations 1998 which provides that where the proportion of leave taken by a worker is less than the proportion of the leave year which has expired, his employer shall make him a payment in lieu of any such accrued leave.

4. The claimant was employed by the respondent from 24 September to 6 December 2020 as a pizza chef.

5. The claimant's net weekly wage was £400. His daily net wage was £80. His wages were regularly paid late. He was paid his wages two weeks in arrears. He did not receive any payslips from the respondent.

6. When the claimant handed in his notice in early December 2021, he was not paid his full week's wages for that last week of work. He was £199.40 short in his wages for that week. He was also short for the wages for the two weeks in hand by £241.60 respectively.

7. When the claimant contacted ACAS he was due £682.60 in outstanding wages. The respondent paid him £150 in January and a further £150 in March. The respondent then paid him a further £200 on 10 May 2021. He was still due £182.60 in wages. The respondent indicated in correspondence to the Tribunal that they were willing to pay the claimant any outstanding wages, but by the date of this hearing they had not done so.

8. The claimant did not take any holidays during his period of employment with the respondent and accrued 5.7 days, accrued at a daily rate of £80 per day. Therefore the claimant is entitled to £456 for holiday pay for accrued leave up to the date of his termination.

Employment Judge Martin

Date: 21 May 2021

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