



EMPLOYMENT TRIBUNALS

Claimant: Mr R Saulsbury
Respondent: Epoh Catering Limited
Heard at: Reading **On: 8 July 2021**
Before: Employment Judge Gumbiti-Zimuto

Appearances
For the Claimant: In Person
For the Respondent: Not attending and not represented

JUDGMENT

The respondent is ordered to pay to the claimant the sum of **£1204.43**. This is a gross amount. The sum comprises unpaid wages in the sum of £829.21, and holiday pay in the sum of £375.22.

REASONS

1. The claimant was employed by the respondent from 5 December 2019 until 27 March 2020 as a delivery driver. The claimant was to be paid at the hourly rate of £821. The claimant was not paid for the hours he worked in the period from 24 February to 27 March 2020. The claimant did not take holiday during his employment and at the of his employment had accrued holiday of just over 45.7 hours, the claimant was not paid for accrued holiday. The claimant was entitled to the payment of £375.22 in respect of accrued holiday not taken during his employment.
2. In its response completed by Mr Patrick Tobias Hope the respondent accepted that the claimant was not paid his wages as claimed. The respondent states that the claimant was paid all that he was owed until the "*month he stole a cash float with takings*" and "*if he returns the money he stole he would get his wages*". As regard holiday pay the respondent states that the claimant "*is on zero hours contract that does not pay holiday pay*".
3. There is no dispute that the claimant was an employee. The claimant is therefore a worker and entitled to annual leave, and the claimant is entitled

to compensation in respect of the leave that he has not taken (see Working Time Regulations 1998).

4. The claimant explained that a dispute arose between him and Mr Hope over a £20 float. The claimant states that the float was used in respect of fuel as had happened throughout his employment. The claimant also states that in the past where an issue arose about fuel the respondent made a deduction from his wages by agreement. The claimant states that should have happened in this case however instead Mr Hope refused to pay him. The claimant is entitled to be paid his wages.
5. In the circumstances the claimant is entitled to award of £829.21 in respect of unpaid wages and £375.22 in respect of holiday pay.

Employment Judge Gumbiti-Zimuto
Date: 8 July 2021

Sent to the parties on: .12.8.2021.
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For the Tribunals Office

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions:

All judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the Claimant(s) and Respondent(s) in a case.