



EMPLOYMENT TRIBUNALS

Claimant: Miss S Solway

Respondent: Mr Chris Johnson T/A PJs Convenience Store

The Time for presenting a response having expired and no valid response having been presented in time and on the basis of the information before the Employment Judge:

JUDGMENT

1. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of **£82.31**.

REASONS

1. The claimant's employment began on 1 November 2019 and ended on 10 January 2021. She worked a 3 day week and was paid £86 per week, or £28.66 per day. She took no holiday during her employment.
2. The claimant was not provided with written terms and conditions of employment at the start of her employment and there was therefore no contractual provision for the holiday year or for calculation of holiday pay. The holiday year is therefore calculated by reference to the anniversary of her employment.
3. Entitlement to holiday is lost if it is not taken during the holiday year, (regulation 13(9)(a) of the Working Time Regulations 1998). The claimant therefore lost her entitlement to holiday pay for the year 1 November 2019 to 31 October 2020. However, she had accrued due an entitlement to 3.5 days holiday between 1 November 2020 and the end of her employment on 10 January 2021, $(5.6 \times 3 = 17 \times 2.5 \div 12)$. That is, (3.5×28.66) £100.31. She has been paid £18 and is therefore entitled to £82.31

Employment Judge M Warren

Date 23 July 2021

JUDGMENT SENT TO THE PARTIES ON

19/8/2021

N Gotecha
FOR THE TRIBUNAL OFFICE