



EMPLOYMENT TRIBUNALS

Claimant: Mr Petar Petkov

Respondent: Bath Group Ltd

Heard at: Watford

On: 9 August 2021

Before: Employment Judge Shastri-Hurst (sitting alone)

Representation

Claimant: Dr S Evans (lay representative)

Respondent: Miss P Bath (lay representative)

JUDGMENT

1. The claimant does not have the requisite qualifying service to pursue an unfair dismissal claim under ss94/108 Employment Rights Act 1996 (“ERA”). His unfair dismissal claim is therefore dismissed.
2. The claimant’s claim for holiday pay under the Working Time Regulations 1998 is well founded and succeeds.
3. The claimant’s claim for breach of contract regarding notice pay is well-founded and succeeds.
4. The respondent was in breach of its duty under s1 ERA to provide a statement of initial employment particulars. See the attached Schedule for relevant terms that were omitted.
5. The respondent was in breach of its duty under s8 ERA to provide an itemised pay statement for the month of April 2019.
6. The claimant’s remaining pay claims under s23 ERA (regarding overpayment of tax, discrepancies in pay slips and shortfall in pension contributions) are dismissed upon the claimant not seeking to pursue them.
7. The Respondent is ordered to pay the following sums to the claimant:
 - 7.1. Sums for holiday pay under paragraph 2: £737.55 (this is a gross figure; any tax liability on this figure will be the responsibility of the claimant).

- 7.2. Damages for breach of contract under paragraph 3: £491.70 (this is a gross figure; on this figure, the deduction of income tax and national insurance contributions are to be paid by the Respondent, who is to account for those deducted monies to the Inland Revenue).
 - 7.3. For failure to provide a statement of initial employment particulars under paragraph 4, a sum equivalent of 2 weeks' pay: £983.40 (this is a gross figure; any tax liability on this figure will be the responsibility of the claimant).
8. The sums under paragraph 7 are to be paid to the claimant within 14 days of the date on which this order is sent to the parties (see below).

Employment Judge Shastri-Hurst

Date: 17/8/2021

JUDGMENT SENT TO THE PARTIES ON

1/9/2021

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FOR THE TRIBUNAL OFFICE

Notes

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

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.

SCHEDULE OF RELEVANT WRITTEN TERMS

1. The claimant was entitled to 5.6 weeks' holiday per year (including bank holidays), as permitted by regulation 13 and 13A of the **Working Time Regulations 1998**;
2. The claimant's leave year commenced each year on the anniversary of the commencement of his employment;
3. The claimant's employment with the respondent commenced on 26 November 2018;
4. The claimant's notice period reflected the statutory notice period permitted by s86 of the **Employment Rights Act 1996**.