



EMPLOYMENT TRIBUNALS

Claimants: (1) Mrs S Bellamy
(2) Miss Z Ahkter

Respondent: Top Technology Energy Savers Ltd

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Heard at: Birmingham

On: 11 March 2019

Before: Employment Judge Kelly

Representation

First Claimant: In person
Second Claimant: In person
Respondent: No appearance

JUDGMENT

The judgment of the Tribunal is that:

1. The Respondent made unlawful deductions from the wages of the First Claimant. The Respondent is ordered to pay the First Claimant the sum of **£4068.20** calculated as follows:
 - a. As per an email from the First Claimant to the Respondent of 30 May 2018:
 - i. Pay due on 19 April 2018: £1428.00
 - ii. Pay due on 19 May 2018: £1160
 - iii. Pay for 21-23 May 2018: £152
 - b. Statutory sick pay from 24 May 2018 to termination of employment on 22 June 2018 at weekly rate of £92.05, discounting 4 waiting days:
 - i. Wk beginning 28 May: £92.05
 - ii. Wk beginning 4 June: £92.05
 - iii. Wk beginning 11 June: £92.05

iv. Wk beginning 18 June: £92.05

Total: £368.20

- c. Uplifted by 4 weeks pay for failure to provide a written statement of particulars of employment: £960, a week's pay being calculated as $6 \times £8 \times 5 = £240$
2. The Respondent failed to pay to the First Claimant compensation for entitlement to leave under Reg 14 of the Working Time Regulations 1998. The Respondent is ordered to pay the First Claimant such compensation in the sum of **£576.00**, being calculated as follows:
- a. Leave year start date: 19 July 2017. Termination Date: 22 June 2018
 - b. Proportion of leave year expired prior to Termination Date: 93%
 - c. Total holidays due in 93% of leave year: $93\% \times 28 = 26$ days
 - d. Number of days holiday taken in leave year: 14 including statutory holidays
 - e. Leaves balance due of 12 days at daily rate of $6 \times £8 = 48$ IE £576
3. The Respondent made unlawful deductions from the wages of the Second Claimant. The Respondent is ordered to pay the Second Claimant the sum of **£3672.00** calculated as follows:
- a. Pay 26 Mar 2018 to 8 April 2018: £472 (as per an email from the Second Claimant to the Respondent of 30 May 2018)
 - b. Pay 9 April 2018 to termination date of 19 Jun 2018
 - i. At 40 hours per week at the rate of £8 per hour IE £320 per week and £64 per day. 10 weeks and 2 days = £3328
 - ii. Less 2 days pay = £128
 - iii. Total due: £3200
4. The Respondent failed to pay to the Second Claimant compensation for entitlement to leave under Reg 14 of the Working Time Regulations 1998. The Respondent is ordered to pay the Second Claimant such compensation in the sum of **£256**, being calculated as follows:
- a. Leave year start date: 26 March 2018. Termination Date: 19 June 2018
 - b. Proportion of leave year expired prior to Termination Date: 24%
 - c. Total holidays due in 24% of leave year: $24\% \times 28 = 7$ days
 - d. Number of days holiday taken in leave year: 3 including statutory holidays

e. Leaves balance due of 4 days at daily rate of £64 IE £256

Employment Judge Kelly
Signed by on 11 March 2019