



EMPLOYMENT TRIBUNALS

Claimant **Rachel Richardson**
Respondent **Albert Harris t/a The Wheel Inn**

Heard at: Cambridge (by Cloud Video Platform) On: 14 May 2021

Before Employment Judge Street

Representation

Claimant: Ms Richardson in person
Respondent: not present or represented

JUDGMENT

The Claimant's complaint is well founded. The Respondent is Ordered to pay to the Claimant the sum of £460 in respect of holiday pay accrued due to her on termination of her employment. That is pursuant to the Working Time Regulations 1998.

The Respondent is further Ordered to pay to the Claimant the sum of £681.40 in respect of the failure to provide the claimant with a written statement of employment particulars. That is pursuant to section 38 of the Employment Act 2002.

The total sum the Respondent is Ordered to pay the Claimant is £1141.40.

Summary Reasons

The pay slips provided by the Respondent for this hearing are fictitious. They are not contemporary. Pay was weekly not monthly. No hours are recorded. No deductions are shown. They do not reflect payment made. A pay slip is included for December 2019, but the claimant was dismissed on 16/11/19 and did not receive the payment of £525 on 2/12/19. The Respondent is breach of the obligation to provide accurate, itemised pay statements.

The Claimant claims holiday pay accrued due on the termination of her employment. She was employed from 29/05/19 to 16/11/19. The average hours per week were 20.75. She worked 5 days per week. She was entitled to £8.21 per hour, the national minimum

wage. Her holiday pay entitlement over the period is 56.03 hours, and the payment due to her in lieu of holiday is £460.

The Respondent has throughout been in breach of the duty to provide written particulars of employment. Pursuant to section 38 of the Employment Act 2002, the Tribunal is required to increase the award to the Claimant by two and may increase it by four weeks pay. Her weekly pay was £170.35. It is just and equitable to order the higher amount in the light of the Respondent's failures and omissions.

The Respondent did not attend this hearing. The postponement requested by him on the day of the hearing was not granted.

Note: This has been a remote hearing. The form of remote hearing was Cloud Video Platform. A face to face hearing was not held in the interests of justice to avoid delay and in accordance with the overriding objective to minimise expenditure on time and costs.

Employment Judge Street

Dated 14 MAY 2021

Corrected 29 November 2021 as to the date of the Judgement, which incorrectly read 2022

JUDGMENT SENT TO THE PARTIES ON

17/12/2021

AND ENTERED IN THE REGISTER

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FOR THE TRIBUNAL OFFICE

Judgment was given orally. Written reasons will not be provided unless they are asked for within 14 days of the sending of the written record and will be entered on the website if issued.