



EMPLOYMENT TRIBUNALS

Claimant: Sandra Stephenson

Respondent: Permoid Industries Ltd

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The judgment of the Tribunal is that:

1. The Complaint in respect of accrued but untaken holiday pay under Regulation 30 Working Time Regulations is well founded and succeeds. The Respondent is ordered to pay to the Claimant the gross sum of **£810.81**

REASONS

2. The Claimant's employment terminated on 06 August 2021. As at the date of termination she had accrued 130.5 hours of untaken annual leave in the holiday year beginning on 01 January 2021. During that period, she was on sick-leave and unable to take her leave for most of that period. At the date of termination, the amount of accrued but untaken holiday amounted to 91 hours. Her hourly rate of pay was £8.91 an hour.
3. She presented a Claim Form on 06 December 2021 bringing a complaint under regulation 30 Working Time Regulations 1998 ('WTR'). The proceedings were on the Respondent at its Registered Office with a response date of 13 January 2022. However, no response was returned. Therefore, in accordance with rule 21 of the Tribunal Rules of Procedure an Employment Judge must decide whether on the available material a determination can properly be made of the claim or part of it, and to the extent that a determination can be made, the Employment Judge must issue a judgment.
4. The Respondent failed to pay any of the outstanding annual leave on termination of the Claimant's employment, in breach of regulation 14 Working Time Regulations 1998.

5. I am satisfied from the information provided by the Claimant that her employment was terminated without payment of outstanding holidays which she had accrued and for which she was entitled to payment on termination. Therefore, it was appropriate for a judgment to be issued to that effect in the gross amount of £810.81

Employment Judge Sweeney

14 January 2022