



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: S/41 03957/201 8

Heard in Glasgow on 29 June 2018

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Employment Judge: Robert Gall

Miss A Tosh

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Claimant

In Person

IBA Recruitment

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Repondent

Not Present

Not Represented

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JUDGMENT

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The Judgment is as follows: -

1. The claim in respect of outstanding wages due to the claimant but unpaid to her is successful. The respondents are ordered to pay to the claimant the sum of £240, being wages due to the claimant for 32 hours of work at £7.50 per hour.

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E.T. Z4 (WR)

2. The claim in respect of holiday leave accrued but untaken at time of termination of employment of the claimant with the respondents is successful. The claimant had accrued 2 weeks of leave at date of termination of her employment with the respondents. She is awarded £240 by way of payment in lieu of leave. The respondents are ordered to pay that amount to the claimant.

REASONS

3. The claim in this case was presented on 12 April 2018. It was served on the respondents. The respondents did not lodge form ET3 to dispute the claim.

4. The Final Hearing in the case was set down for 29 June 2018. Ms Tosh was present at that time. There was no appearance by the respondents or on their behalf.

5. Ms Tosh brings a claim of unauthorised deduction from wages and of payment in respect of holiday leave which she had accrued but which was untaken at time of termination of her employment with the respondents.

6. Her claim in respect of wages due to her is for payment of two weeks wages, 32 hours, at £7.50 an hour, being the hourly rate paid to her for work carried out by the respondents. She informed me that this sum was due to her and had not been paid. I accepted this information from her.

7. The claim by Ms Tosh in respect of holidays accrued but untaken at time of termination of her employment is founded upon her position that she was due 5 weeks holiday leave in each calendar year. She had only taken 3 weeks of that leave in the calendar year 2017. She therefore carried forward entitlement to 2 weeks leave into 2018. She confirmed to me that her employment with the respondents ended in February 2018 and at that point she had not taken any leave in 2018. She made a claim for payment in respect of 2 weeks of annual leave accrued but untaken by her at time of termination of employment. That amounts to 32 hours at £7.50 per hour, a total of £240.

8. I confirmed with Ms Tosh that her employment with the respondents had ended. She confirmed that this was so. She did say that a new company had now taken over the hotel where she worked. She is now employed by this new company. Her information to me was that there had been an end to her
5 employment so that she was able to claim entitlement to holiday pay from these respondents rather than accruing the holidays in a TUPE situation. The respondents are therefore ordered to pay to the claimant the sum of £240 in respect of accrued but untaken leave entitlement.

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Employment Judge: R Gall
Date of Judgment: 29 June 2018
Entered in register: 05 July 2018
and copied to parties

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