



EMPLOYMENT TRIBUNALS

Claimant: Miss E Fallon
Respondent: Trimpet Limited
Heard at: East London Hearing Centre (via CVP)
On: 4 April 2022
Before: Employment Judge John Crosfill

Representation

Claimant: In person
Respondent: Through Mr D Kourosh, a Director

JUDGMENT

1. The Claimant's claim that she suffered an unlawful deduction from her wages on 31 August and 30 September 2022 are well founded. The Respondent unlawfully deducted the following sums:
 - a. The payment of the claimant's normal basic salary of £26,000 per annum for the period between 1 August and 25 August 2021 a period of 25 days amounting to the sum of $25/365 \times £26,000 = \mathbf{£1,780.82}$; and
 - b. The Claimant reported that she was unfit to work on 26 August 2021 and did not return to work after 15 September 2021. She is entitled to be paid statutory sick pay for 12 out of the 15 working days in that period. The weekly rate of Statutory Sick pay was at the relevant time £96.35. The total due to the Claimant for the 12 working days is **£231.24**.
2. The Claimant's claim for payment in respect of accrued but untaken holiday brought pursuant to Regulations 14 and 30 of the Working Time Regulations 1998 is well founded. The Claimant commenced her employment on 1 May 2021 and her employment terminated on 15 September 2021. During that period she took 3 days paid holiday and did not work on the 3 public holidays during that period. I find that those 6 days should be deducted from the Claimant's entitlement to annual leave on

the assumption that the Respondent would seek to discharge its statutory obligations before its contractual obligations. The total holiday entitlement under regulations 13 and 13A of the Working Time Regulations 1998 is 10.6 days. The Claimant has exhausted 6 days leave. She is therefore entitled to be paid for 4.6 working days. $\text{£}26,000/52 \times 5 = \text{£}460.00$

3. The Claimant's claim for expenses brought as a claim for breach of contract pursuant to the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 is well founded. The Claimant is owed a debt/damages of **£105.89**.

4. The Respondent is ordered to pay the Claimant:
 - a. £1,780.82 plus £231.24 being the sum of **£2,012.06** in respect of wages. The said payment has been calculated gross and shall be paid less only any deductions of tax and national insurance required by law.

 - b. The sum of **£460** in respect of payment for accrued but untaken holiday. The said payment has been calculated gross and shall be paid less only any deductions of tax and national insurance required by law.

 - c. The sum of **£105.89** in respect of expenses, which shall be paid without any deductions.

Employment Judge Crosfill
Date: 4 April 2022