



EMPLOYMENT TRIBUNALS

Claimant: Miss K Rathbone

Respondents: Mr George Sowerby (1) The Fountain Pub 2017 Limited (2)

JUDGMENT ON LIABILITY AND REMEDY

Employment Tribunals Rules of Procedure 2013 – Rule 21

The Claimant's claim for the unauthorised deduction of wages, pursuant to section 13 of the Employment Rights Act 1996, and her claim for the non-payment of accrued and outstanding holiday pay pursuant to Regulation 14 of the Working Time Regulations 1998, are well-founded. The Respondent is ordered to pay to the Claimant the following:

1. Wages in the sum of £561.33. This is a gross award and the Claimant shall be liable to the Inland Revenue for any tax and national insurance payments thereon.
2. Holiday pay in the sum of £280.67. This is a gross award and the Claimant shall be liable to the Inland Revenue for any tax and national insurance payments thereon.
3. **Total award = £842**

REASONS

1. The Claimant submitted her ET1 form to the Employment Tribunal on 13 January 2022. A copy of the claim form was forwarded to the first Respondent by the Tribunal on 19 February 2022 and the Respondent had until 14 March 2022 to file a response.
2. The Claimant provided the Tribunal with a copy of her contract of employment on 7 March 2022 from which it was apparent that she may have been employed by the second Respondent. The Tribunal forwarded to the second Respondent a copy of the Claimant ET1 form on 8 March 2022. The second Respondent had until 5 April 2022 to file a response.
3. As no response has been received by the Tribunal from the first or second Respondent, the above Judgment has been entered without a hearing on the basis of the information provided by the Claimant and in accordance with Rule 21 of the Employment Tribunal Rules of Procedure 2013.

4. The Claimant has claimed she was owed 1 ½ weeks wages and she was paid at the rate of £8.91 per hour, averaging 42 hours of work per week. This gives a total award in respect of the unauthorised deduction of wages in the sum of £561.33.
5. The Claimant has claimed she was owed 31.5 hours of holiday pay. Multiplied by the hourly rate of £8.91, the total award in respect of holiday pay is £280.67.

Employment Judge Arullendran

Date: 3 May 2022