



# EMPLOYMENT TRIBUNALS

**Claimant**

Ms E Lewin

**Respondent**

Barak Peled

v

**Heard at:** Watford

**On:** 9 January 2023

**Before:** Employment Judge S Moore

**Appearances**

**For the Claimant:** In person

**For the Respondent:** No appearance

## JUDGMENT

**The claim for unpaid holiday pay succeeds in the sum of £729.73.**

## REASONS

1. The Claimant was employed by the Respondent as head chef between 6 June 2021 and 26 January 2022. She worked an average of 60 hrs per week, working 6 days per week, and was paid £12 per hour. She was never given a written contract of employment.
2. In the light of those facts, at the date of the termination of her employment she was entitled to have received 180.3hrs of paid leave, namely £2,163.60.

3. The Claimant's payslips for November and December 2021 state that in those months she was paid, respectively, £446.40 and £528.00 of holiday pay, and the Claimant agreed this was the case. The Claimant further agreed that in March 2022 the Respondent paid her a further £459.47 of holiday pay. Accordingly, she has received a total of £1,433.87 of holiday pay, leaving a sum remaining of £729.73.
4. Although the Respondent did not attend the hearing, the Notice of Appearance indicates he believes he was entitled to deduct sums that he says were owed to him by the Claimant in respect of matters such as food wastage and cleaning costs. However, since there was no written contract of employment there was plainly no provision of the Claimant's contract which entitled him to make any such deduction (see s. 13 Employment Rights Act 1996).
5. It follows that the claim for holiday pay succeeds in the sum of £729.73.

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Employment Judge S Moore

Date: 9<sup>th</sup> January 2023

Sent to the parties on: 05.02.2023

GDJ  
For the Tribunal Office