



EMPLOYMENT TRIBUNALS

Claimants: 1) Mr M Sarai
2) Ms L Szymczewska

Respondent: Leeds Airport Parking Services Ltd

Heard at: Leeds by CVP videolink

On: 23 February 2023

Before: Employment Judge Deeley

Appearances

For the claimant: Mr M Sarai (representing himself and Ms Szymcewska)
For the respondent: did not attend

JUDGMENT

1. The Tribunal concluded that it was not reasonably practicable for the claimants to submit their complaints within the relevant time limits. The time limit for submission of the claimants' complaints is extended to 5 December 2022.
2. The Tribunal declares that the respondent has made unauthorised deductions from wages from Mr Sarai's wages. Mr Sarai's complaints under s13 of the Employment Rights Act 1996 succeed in relation to:
 - a. under-payment of wages relating to the entire period of Mr Sarai's employment from 16 December 2021 to 29 May 2022 (inclusive); and
 - b. non-payment of accrued holiday pay on termination of employment.
3. The Tribunal awards the gross amounts set out below in relation to Mr Sarai's wages:

Unauthorised deductions form wages	Wages payable (at applicable national minimum wages rate)
Under-payment of wages from 16 December 2021 to 29 May 2022	£2615.25

Accrued holiday pay on termination of employment	£641.55 <i>(calculated on the basis of 12.07% of 559.5 hours worked during employment)</i>
Total unauthorised deductions	£3256.80

4. Mr Sarai's complaint of non-payment of statutory notice pay succeeds. Mr Sarai is awarded the gross amount set out below:

Notice pay
£226.18 <i>(calculated on the basis of 559.5 hours divided by 23.5 weeks' employment, multiplied by £9.50 per hour)</i>

5. Mr Sarai's and Ms Szymcewska's complaints for non-payment of statutory redundancy pay fail and are dismissed because they do not have two years' service.

NOTES

1. The Tribunal was unable to issue judgment in respect of Ms Szymcewska's complaints today because she had not provided sufficient information to the Tribunal regarding her complaints. Ms Szymcewska shall provide the further information set out below by email to the Tribunal (copied to the respondent). The Tribunal may then issue a judgment in respect of her claims without any further hearing.

Ms Szymcewska will need to provide:

- a. the start and finish dates for her employment by the respondent;
- b. her date of birth (so that the Tribunal can check the applicable national minimum wage rate);
- c. the total number of hours that she worked:
 - i. each month during her employment by the respondent; and
 - ii. in total during her whole period of employment by the respondent;
- d. the amount of gross pay that she received for each month of employment;
- e. the amount of gross pay that she states she should have received for each month of employment (based on the national minimum wage rate, if this is higher than her actual pay rate at that time); and
- f. the number of hours' holiday pay accrued (but not taken) on termination of employment.

2. The respondent did not submit a response to these claims and did not attend this hearing.
3. If either party wishes to request written reasons for this Judgment, they must make their request within 14 days of the date on which this Judgment is sent to the parties.

Employment Judge Deeley

**Employment Judge Deeley
23 February 2023**

JUDGMENT SENT TO THE PARTIES ON

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AND ENTERED IN THE REGISTER

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FOR THE TRIBUNAL OFFICE

Public access to Employment Tribunal judgments

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