



EMPLOYMENT TRIBUNALS
Bristol Region

Heard by video on 6/4/2023

Claimant: Ms T Johnson
Respondent: Andycars Taxis (Cheltenham) Ltd

Before: Employment Judge Mr J S Burns

Representation

Claimant: in person
Respondent: no appearance

JUDGMENT

1. The Respondent must pay the Claimant £778 by 20/4/2023.
2. It is declared that, contrary to section 8 Employment Rights Act 1996, the Respondent failed to provide the Claimant with pay statements from 1/2/2022 to 28/10/2022.
3. Leave to Claimant to apply.

REASONS

1. These were claims for holiday pay limited to two weeks' pay and failure to provide pay-slips. The Respondent had failed to file an ET3 and did not appear at the hearing.
2. I heard evidence from the Claimant. She told me on oath, and I accept, that from February 2022 onwards, she earned at least £389 per week, this being the minimum sum which appeared in her bank account from the Respondent each week (except during her holidays in August 2022).
3. The Claimant took 2 weeks holiday in August 2022 but the Respondent failed to pay her for these. She had limited her claim to payment for these two weeks only hence I have awarded her $2 \times £389 = £778$ under this head. If there is any tax or national insurance deductible from these sums, the Respondent must pay it.
4. Despite numerous requests from the Claimant, the Respondent failed to provide her with pay-slips from 1/2/2022 until she left her employment on 28/10/22. I have made a declaration to this effect under section 12(3) Employment Rights Act 1996 but, as I do not have the evidence, I am unable for purposes of section 12(4) to make an award of up to thirteen weeks unnotified deductions. The Claimant has leave to apply to the Tribunal for a further judgment in this regard should she obtain this evidence. In the meantime, I have recommended that she make enquiries/lodge a complaint with HMRC.

Employment Judge J S Burns
Date: 06 April 2023
Corrected: 11 October 2023

Amended Judgment sent to the Parties:
01 November 2023

For the Tribunal Office
