



EMPLOYMENT TRIBUNALS

Claimant: Miss R Haagensen

Respondent: Heartbreakers (SO15) Ltd

Heard at: Exeter (via video (CVP))

On: 19 September 2023

Before: Employment Judge Cuthbert

Representation:

Claimant: Represented herself

Respondent: No response entered

JUDGMENT

The judgment of the Tribunal is as follows:

1. The claimant's claim for holiday pay is well-founded and succeeds – the respondent failed to pay the claimant the full sum in lieu of untaken holiday to which she was entitled on termination of her employment.
2. The respondent is ordered to pay to the claimant (less any applicable statutory deductions) **£237.09** in respect of the balance of the holiday pay due¹.

Employment Judge Cuthbert
19 September 2023

JUDGMENT SENT TO THE PARTIES ON
10 October 2023 By Mr J McCormick

FOR THE TRIBUNAL OFFICE

¹ See attached Appendix for calculation

Appendix - calculations

Claimant employed: 1 April 2022 to 1 January 2023 = 275 days or 39.286 weeks

Claimant worked irregular hours:

Between 1 April 2022 and 4 August 2022 57.5 hours worked at an hourly rate of £9.75 = £560.63 earned

Between 5 August 2022 and 1 January 2023, 149 days worked on a salary of £26,000: $26,000 \times (149/365) = £10,613.70$ earned

Total earned in period: £11,174.33

A week's pay²: $11,174.33/39.286 = \mathbf{£284.43}$

Holiday entitlement on termination³:

$(5.6 \times (275/365)) - 1$ week's holiday taken = **3.219 weeks**

Payment in lieu due on termination: $3.219 \times £284.43 = \mathbf{£915.58}$

Less amount paid by the respondent: **£678.48**

Balance due to claimant: $£915.58 - £678.48 = \mathbf{£237.09}$

² See Employment Rights Act 1996, Chapter II

³ See Regulation 14, Working Time Regulations 1998