



EMPLOYMENT TRIBUNALS

Claimant: Ms Ning Xue
Respondents Seewoo Chinatown Limited

Heard at London Central (by CVP)
On: 14/7/2025
Before: Employment Judge Mr J S Burns

Representation

Claimant: In person
Respondent: No appearance

JUDGMENT

1. By 28/7/25 the Respondent must pay to the Claimant £26858.92 (being the sum of the amounts shown in bold in the Reasons) for arrear salary, pay in lieu of untaken holidays and sums due in respect of pension contributions.
2. The claims for notice pay, and a redundancy payment are dismissed.

REASONS

1. The Respondent failed to file an ET3 and has not attended today.
2. The Claimant gave evidence on oath and referred to a bundle of documents containing 19 pages.
3. The employment was terminated on or about 18/2/25 by resignation when the Claimant told Bobo Chan (an administrator) that she was not working for the company anymore.
4. The Claimant worked but was unpaid for the period 1/10/24 to 18/2/25 and is due $4.642 \times £3949.50 = \textbf{£18333.57}$ (gross of tax, national insurance contributions and employee pension contributions). The Claimant on recovery of this sums will be liable to account to HMRC for any tax/NI contributions she may owe in relation to these earnings.
5. The Respondent's leave year started 1st April each year. The employment contract did not provide for unused holiday to be rolled forward to later leave years. Under the Working Time Regulations payment in lieu of holiday not taken can only be claimed

where the employment has terminated and only in respect of the leave year in which employment is terminated see regulation 13(9) and regulation 14. The Claimant was entitled to 28 days holiday per year. From 1/4/24 to 18/2/25 she accrued $28 \times 46/52 = 24.76$ days rounded up to 25 days holiday entitlement but did not take any holidays. The gross daily pay rate was £182.28. The Claimant is due $25 \times £182.28 = \textbf{£4557}$ as pay in lieu of holidays.

6. During the period 1/8/23 - 18/2/25 the Respondent failed to pay either employer or employee contributions to the pension provider. The employee pension contributions for the period 1/10/24 - 18/2/25 are already included in the salary arrears awarded above. The Respondent is liable in addition to pay to the Claimant the employer and employee contributions for the period 1/8/23 - 30/9/24 and the employer contributions for the period 1/10/24 to 18/2/25, the total of which sums is **£3968.35**
7. The Claimant is not entitled to notice pay as she resigned without giving notice.
8. She is not entitled to a redundancy payment as she did not have 2 years' service and was not dismissed for redundancy in any event.

J S Burns Employment Judge
London Central
14/07/2025
For Secretary of the Tribunals
Date sent to parties
18 July 2025
