



EMPLOYMENT TRIBUNALS

Claimant: Mr Mario Colasurdo

Respondent: Besamalsore UK Ltd t/a Topolino

Heard at: London South Croydon, in public, by CVP

On: 24 April 2026

Before: Employment Judge Tsamados

Representation

Claimant: in person

Respondent: did not attend

JUDGMENT

The Judgment of the Employment Tribunal is as follows:

The complaint in respect of holiday pay is well-founded. The Respondent failed to pay the Claimant in accordance with regulation 14(2) and/or 16(1) of the Working Time Regulations 1998.

The Respondent shall pay the Claimant £2,591.43. The Claimant is responsible for paying any tax or National Insurance.

REASONS

1. Whilst I indicated during the hearing that was giving summary reasons I subsequently decided that it was more appropriate to give full reasons.

2. By 10.15 am, the Respondent had not joined the Cloud Video Platform room and had not sent in any prior notification of its intention or inability to attend the hearing. The Tribunal only holds a postal address for the Respondent. On this basis I decided to proceed in the Respondent's absence.
3. This is a claim for outstanding holiday pay for the entire period of the Claimant's employment under the Working Time Regulations 1998.
4. The Respondent presented a response in which, whilst indicating that it did not contest the claim, actually set out details in the box relating to ACAS early conciliation indicating that it did. The Respondent's position is that the Claimant was only employed from October 2024 until 22 August 2025 and had received £800 in respect of 60 out of 70 hours of holiday entitlement as requested and agreed. I have to say this reference to 60 out of 70 hours made no sense and required further explanation.
5. The Claimant denies that he ever received any holiday pay or agreed to this and also denied the alleged start date of employment.
6. The Claimant was employed by the Respondent from 20 May 2024 until his employment was terminated on 22 August 2025. He confirmed these dates in a telephone conversation with HMRC and who further advised him that he was entitled to 6 weeks' holiday pay for that period. However, the Claimant worked this out on the basis of his net figure of pay, when more correctly it should be gross.
7. The Claimant only ever received two pay-slips as he said the company never wanted to give them to people. He provided one to me by email during the hearing. This shows that his gross pay was £366.30. This was what he was paid through his employment. He was paid weekly into his bank account. The net figure was £314 per week and this increased from April 2025 given a change in his tax code to £331 net. He received a P45 but was advised by HMRC that this is not valid because the requisite codes are not been entered into sections 7 and 8 of that document.
8. The Claimant was not paid any holiday pay throughout his employment despite asking and when he went on holiday from 13 August and returned on 22 August 2025 he was not paid and indeed on his return was told that his employment had been terminated. He asked again for his holiday pay but this was not paid to him.
9. The Claimant has not provided any documentation in support of his claim beyond the pay-slip for April 2025. Whilst he has bank statements which only show receipt of net payment of his wages, these are for over a year and he would have to download them from his banking app before he could submit them to the Tribunal.
10. Taking a proportionate view, I was content to accept his evidence as set out above and taking into account the absence of the Respondent to put forward its counter-position, explaining more clearly what it meant or provide some documentation in support of payment and length of service.

11. Having checked the HMRC online holiday pay calculator, I find that the Claimant was entitled to 22.4 days of annual leave based on a four-day working week for a full leave year and 5.8 days annual leave for the part leave year worked to the date of dismissal. This is based on the annual leave year commencing on 20 May each year given that there is nothing to indicate a contrary date.
12. This comes to a total of 28.3 days of annual leave. The Claimant's gross weekly pay £366.30 which divided by 4 to get a daily rate comes to £91.57. £91.57 multiplied by 28.3 comes to £2,591.43 gross.

Footnote: this calculation is slightly different to the one given at the hearing in as far as I inadvertently calculated it on the basis that the Claimant's employment ended on 20 August and not 22 August 2025.

Employment Judge Tsamados
Date: 24 April 2026

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>