



EMPLOYMENT TRIBUNALS

Claimant: Mr. J Fleming

Respondent: Jack and Jill Bath Co. Ltd

HELD AT: Leeds Employment Tribunal **ON:** 25 April 2023
(By CVP)

BEFORE: Employment Judge Buckley

REPRESENTATION:

Claimant: Did not appear

Respondent: Did not appear

JUDGMENT

1. The claim for unlawful deductions from wages (unpaid holiday pay) SUCCEEDS.
2. The respondent will pay the claimant the sum of £1019.08

REASONS

3. Neither party attended the hearing. The clerk attempted to telephone the claimant at 2.10pm on the number provided by the claimant on the claim form but there was no answer. The respondent did not file a response and therefore was not expected to attend.
4. Given the information in the claim form and the lack of response from the respondent, I determined that it was in the interests of justice and proportionate to proceed with the hearing in the absence of the parties.
5. The claim is for unpaid holiday pay. On the basis of the information in the claim form I find the following facts.
6. The claimant started work on 1 April 2021. The effective date of termination was 1 October 2022. His gross monthly pay was £2400. He worked 40 hours per week, and therefore I infer that he worked 5 days a week. He took 5 days holiday in the last holiday year. He was not paid for any untaken holiday at the end of his employment.

7. The claimant did not specify the start of his holiday year, and therefore I find, on the balance of probabilities that the holiday year started on the date his employment started i.e. 1 April.
8. I calculate the unpaid untaken holiday as follows:

Gross pay per annum = £28,800

Gross pay per week = £553.85

Gross daily pay = £110.77

Annual minimum holiday entitlement = 5.6 weeks or 28 days pa

Holiday entitlement for 1 April 2022 – 1 October 2022 = 14.2 days

Minus 5 days taken = 9.2 days

Amount due = 9.2 x £110.77 = **£1019.08**

Employment Judge Buckley

Date 25 April 2023

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