



EMPLOYMENT TRIBUNALS

Claimant: Mr T Rayment

Respondent: Noonan Services Group (UK) Ltd

Heard at: Birmingham Employment Tribunal **On:** 27/09/2019

Before: Employment Judge Butler

Representation

Claimant: Mr A Rayment

Respondent: Mr Frew

JUDGMENT

1. The claimant brought a claim for not having received all of his leave entitlement.
2. The claimant worked a 4 on, 4 off shift pattern.
3. The claimant is entitled to 5.6 weeks paid holiday leave pursuant to Regulation 13 and 13A of the Working time Regulations 1998.
4. This gives the claimant a statutory entitlement to 19.6 days (3.5 x 5.6) holiday leave.
5. The claimant accepted that in the previous year he had received 21 days holiday leave. And in previous years he had received 22 days leave entitlement.
6. He seeks a further 16 days paid leave. He submits that this is in accordance with his contract where he should be granted additional leave for Bank holidays that he has not worked.
7. This is a purely contractual matter, as it is leave that exceeds that prescribed by the Working time Regulations. If his complaint was that his leave entitlement was below 19.6 days, that outlined above, the tribunal could have considered whether the respondent was in breach of their obligations under the Working Time Regulations.
8. The claimant is still working for the respondent.
9. The Employment Tribunal does not have jurisdiction to consider contractual disputes where employment of the claimant with the respondent continues.
10. The claim is therefore dismissed, for want of jurisdiction.

Employment Judge **Butler**

Date__17/10/2019__

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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