



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms K Rosser

**Respondent:** Devon Pubs Ltd

**Heard at:** Plymouth **On:** Friday 11 September 2020

**Before:** Employment Judge Matthews

**Representation:**

**Claimant:** In Person

**Respondent:** Response not presented and did not attend

## JUDGMENT

1. The Claimant's claim under section 23 of the Employment Rights Act 1996 that the Respondent has failed to pay wages due to the Claimant is well founded.
2. The Claimant's claim under regulation 30(1) of the Working Time Regulations 1998 that the Respondent has failed to pay the Claimant an amount due under Regulation 14(2) of those Regulations (holiday pay) is well founded.
3. The Respondent is ordered to pay to the Claimant £8,071.59 in this respect. Any amount which the Respondent lawfully deducts from the above amount by way of income tax, national insurance contributions or otherwise shall be treated to that extent as in payment of this order. In the absence of evidence to substantiate the lawfulness of such a deduction the gross amount specified shall be due under this Judgment to the Claimant.

## Schedule of Calculations

Wages

The Claimant was not paid from and including March 2020 to the end of August 2020 at which time the Claimant found other work. For the months April to June 2020 the Claimant agreed to accept 80% of her pay as a furlough arrangement.

The calculation is:

Pay for March, July and August 2020: £4,680

Pay for April to June 2020: £3,744

A week's pay in hand: £360

From the total of £8,784, £1,250 falls to be deducted being the total of payments already made by the Respondent on account of wages. This leaves a balance owing of £7,534.

Holiday pay

The Claimant is owed 64 hours holiday pay.

The calculation is:

$42.66 \times \text{£}9$  (normal hourly rate) = £383.94

$21.34 \times \text{£}7.20$  (furlough rate) = £153.65

Total: £537.59

Employment Judge Matthews

Dated: 11 September 2020

Judgment sent to parties: 14 September 2020

FOR THE TRIBUNAL OFFICE

Reasons having been given orally, written reasons will not be provided unless they are asked for by written request presented by any party within 14 days of the sending of this written record of the decision.