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EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Miss L Howarth

and

Respondent

Santi (UK) Ltd

Held at Ashford on 20 November 2017

Representation

Claimant:

In Person

Respondent:

Mr S Bains, Director

Employment Judge Kurrein

JUDGMENT

The Respondent is ordered to pay the Claimant the sum of £1,173.56 without deduction as compensation for unauthorised deductions.

REASONS

- 1 The Claimant's claim for unauthorised deductions/holiday pay was received on 11 August 2017. The Response, which denied liability and asserted payment in full in the sum of £211.37, was received on 15 September 2017.
- 2 I heard the Claimant and Mr Bains. I make the following findings:-
 - 2.1 The Claimant started her employment on 21 August 2016 and resigned without notice on 25 April 2017.
 - 2.2 She did not receive any holiday pay in the 2016/17 tax year, and which is also the Respondent's leave year, and was only paid the above sum for the tax year 2017/18.
- 3 I treated the claim as one for a series of deductions under S.23 Employment Rights Act 1996 and made the following calculations.

Holiday Year	Net Earnings	Due	Paid	Owed
2016 to 2017	£7397.13	£890.66	£0.00	£890.66
2017 to 2018	£2150.44	£259.56	£211.37	£48.19
Total due				£938.85

- 4 The Respondent accepted that it had not responded to the Claimant's letter of complaint by inviting her to a grievance meeting. I concluded it was just and equitable in all the circumstances to award a 25% uplift, in the sum of £234.71, under S.207A Trade Union and Labour Relations (Consolidation) Act 199 for the wholesale failure of the Respondent to comply with its obligations.
- 5 I therefore make a total award, to be paid without deductions as it has been calculated net, in the sum of £1,173.56.

Employment Judge Kurrein

20 November 2017