



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss E Milford

**Respondent:** Shirley Wine Store Limited

**Heard at:** Southampton                      **On:** 30 May 2019

**Before:** Employment Judge Gray

## **Representation**

Claimant: In person (accompanied by her friend Mr. F Hussain)

Respondent: No attendance

# JUDGMENT

The judgment of the tribunal is that the Claimant succeeds in her claim for unlawful deduction from wages and unpaid holiday pay and the Respondent is ordered to pay the Claimant the following gross sums:

1. For unpaid National Minimum Wage (NMW) for the period of 14 October 2015 to 31 August 2017 the gross sum of **£56,593.80**, which has been calculated as follows:
  - a. the period of 14/10/15 to 31/3/16 (24 weeks) when the relevant NMW was £6.70 an hour the Claimant should have been paid 24 weeks x 94 hours x £6.70 = £15,115.20
  - b. the period of 1/4/16 to 31/3/17 (52 weeks) when the relevant NMW was £7.20 an hour the Claimant should have been paid 52 weeks x 94 hours x £7.20 = £35,193.60
  - c. the period of 1/4/17 to 31/8/17 (22 weeks) when the relevant NMW was £7.50 an hour the Claimant should have been paid 22 weeks x 94 hours which = 2,068 hours (less 30 hours) = 2,038 x £7.50 = £15,285
  - d. Total for period = £65,593.80
  - e. Less what the Claimant says she was paid of £400 a month for 22.5 months = £9,000
  - f. Leaves total deductions of £56,593.80

2. For the unpaid holiday pay the gross sum of **£3,454.50**. This is based on a period of 10.5 months being worked in the relevant leave year year (14 October 2016 to 31 August 2017) which accrues 4.9 weeks of leave for the period worked and where the Claimant's weekly pay is £705 gross (94 hours x £7.50 = £705).
3. An award for four weeks' pay made pursuant to Section 38 of the Employment Act 2002, which is the gross sum of **£1,956** (4 x £489 (the capped weeks' pay applicable at the date of termination 31 August 2017)).

The total amount is therefore £62,004.30 gross.

Employment Judge Gray

Date: 30 May 2019

Judgment sent to parties: 25 June 2019

FOR THE TRIBUNAL OFFICE

Note

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.