



# **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4100520/2024**

**Miss E McNee**

**Claimant**

**Stirling Care Home Ltd**

**Respondents**

## **JUDGMENT**

### **Rule 21 of the Employment Tribunal Rules of Procedure 2013**

No response has been presented to this claim and an Employment Judge has decided to issue the following judgment on the available material under rule 21:

- 1 The respondent having failed to pay the claimant's holiday entitlement in breach of the Working Time Regulations 1998 and an unauthorised deduction from wages under the said section is ordered to pay the claimant the gross sum of One Thousand Five Hundred and Forty Three Pounds and Fifty Pence (£1543.50).
- 2 The respondent failed to comply with their duty to provide the claimant with a statement of initial employment particulars and shall pay to the claimant the gross sum of One thousand six hundred and forty seven pounds and sixty two

pence (£1647.62) being two weeks pay in terms of s38 of the Employment Act 2002. (The tribunal has no information before it which would suggest that in the circumstances it is just and equitable to award the higher amount provided for in s38.)

- 3 The hearing scheduled for 09 April 2024 at 11.00am is cancelled.
- 4 The respondent shall be at liberty to deduct from the above sums prior to making payment to the claimant such amounts of Income Tax and Employee National Insurance Contributions (if any) as it may be required by law to deduct from a payment of earnings of that amount made to the claimant, and if it does so, duly remits such sums so deducted to HM Revenue and Customs, and provides to the claimant written evidence of the fact and amount of such deductions and of the sums deducted having been remitted to HMRC, payment of the balance to the claimant shall satisfy the requirements of this judgment.

**Employment Judge: I McFatridge**  
**Date of Judgment: 28 March 2024**  
**Entered in register: 02 April 2024**  
**and copied to parties**