



# EMPLOYMENT TRIBUNALS

**Claimant: Miss A Jobs**

**Respondent: Rascals Playtime Childcare Ltd**

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

The judgment of the Tribunal is that:

1. The Complaint in respect of accrued but untaken holiday pay under Regulation 30 Working Time Regulations is well founded and succeeds. The Respondent is ordered to pay to the Claimant the sum of **£616.20**

## REASONS

2. The Claimant was dismissed without notice when her place of work (a nursery) was closed. She had been on maternity leave at the time and on termination had accrued 78 hours of untaken annual leave. Her hourly rate of pay was £7.90 an hour.
3. She presented a Claim Form on 28 November 2019 bringing a number of complaints, one of which was a complaint under regulation 30 Working Time Regulations 1998 ('WTR'). The proceedings were RE-served on the Respondent at its Registered Office with a response date of 23 June 2020. However, no response was returned. Therefore, in accordance with rule 21 of the Tribunal Rules of Procedure an Employment Judge must decide whether on the available material a determination can properly be made of the claim or part of it, and to the extent that a determination can be made, the Employment Judge must issue a judgment.
4. The Respondent failed to pay any of the outstanding annual leave on termination of the Claimant's employment, in breach of regulation 14 Working Time Regulations 1998.
5. I am satisfied from the information provided by the Claimant that her employment was terminated without payment of outstanding holidays which she had accrued and for which she was entitled to payment on termination. Therefore, it was appropriate for a judgment to be issued to that effect.

**Employment Judge Sweeney**

7 August 2020