EMPLOYMENT TRIBUNALS

Claimant: **Mr N Gori**

Respondent: **Fams Group Limited t/a Mumbai7**

Heard at: **East London Hearing Centre (in public, by video)**

On: **19 December 2024**

Before: **Employment Judge Moor**

Representation
Claimant: in person
Respondent: Mr Hendley, consultant

JUDGMENT

1. The complaint of unlawful deduction of wages is upheld. The Respondent must pay to the Claimant the sum of **£3,859.99.**

2. A calculation of the sum is at appendix one attached to this judgment.

3. The unfair dismissal complaint is dismissed because the Claimant did not have two years of continuous service.

4. The Respondent conducted its response to the wages claim unreasonably because it knew it had no defence to the claim. Nevertheless, I exercised my discretion not to make a preparation time order.

                                   Employment Judge Moor
                                   Dated: 19 December 2024

CALCULATION OF AWARD

A. Accrued but untaken holiday

Effective Date of termination 7.2.24
Holiday year 1 April – 31 March
Paid holiday entitlement 5.6 weeks
Net pay per calendar month = £1831.42
Net weekly pay = 18131.42 x 12/52 = £442.63

Proportion of Holiday year elapsed 1.4.23-7.2.24 = 44 weeks 4 days
44.57/52 = 0.86 of holiday year elapsed

Total entitlement to holidays in last holiday year = 0.86 x 5.6 wks = 4.8 weeks

Paid Holidays taken 3-18 Jan 24 = 16 days = 2.28 weeks
5,6,7 Feb 24 = 3 days = 0.42 weeks

Total paid holidays taken = 2.7 weeks
Amount of holidays accrued but untaken 4.8 – 2.7 = 2.1 weeks.

Amount holiday outstanding net = 2.1 x 422.63 =   £887.52

B. Unpaid wages January and February 2024

January net =   **£1831.42**

February 1-7 Feb inclusive minus 4 Feb (unpaid leave) = 6 days

6/29 x 1831.42 =   **£378.91**

C. Unpaid pension contributions
Claimant's pension contributions = 90.67
Employer's pension contributions = 54.50
Total = £145.17 per calendar month

Not paid for September 2023 – 7 February 2024 = 5.25 months

5.25 x 145.17 =   **£762.14**

Total of A + B + C   £3859.99