



EMPLOYMENT TRIBUNALS

SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE FRANCES SPENCER

BETWEEN: MS J WILLIAMSON CLAIMANT

AND

PROPERTYSMITH LIMITED RESPONDENT

ON: 15TH FEBRUARY 2018

Appearances

For the Claimant: In person, assisted by Mrs Webb, her mother
For the Respondent: Mr. S Smith, director

JUDGMENT

The Judgment of the Tribunal is that the Claimant's claim for pay in lieu of holiday accrued but not taken is well founded and the Respondent is ordered to pay £1,000 to the Claimant representing 10 days gross pay at the rate of pay applicable at termination.

The above award is expressed as a gross figure. Provided that the Respondent makes appropriate deduction in respect of income tax and national insurance, and accounts therefore to the proper authorities, payment of the Claimant of the net sum will represent a valid discharge of this judgment.

NB

The calculation date for holiday pay is not addressed in the Working Time Regulations and there is no case law on the point. However as the payment is to be made in lieu of leave which can be carried forward the logical conclusion is

that the entire payment should be calculated by reference to the pay rates as at the date of termination.

Employment Judge F Spencer
15th February 2018

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