



EMPLOYMENT TRIBUNALS

Claimant:
Mrs A Sharma

v

Respondents:
Guestlogix Technologies
Limited (R1)
Guestlogix UK Limited (R2)

REMEDY JUDGMENT

The respondents are ordered to pay the claimant:

1. The sum of: £70,957.98 in compensation for unfair dismissal.
2. The sum of £958.00 pursuant to section 38 of the Employment Act 2002.
3. The claimant is entitled to an award in the sum of £17,499.95 in respect of the respondents' failure to inform and consult in relation to a TUPE transfer.

REASONS

1. The claimant commenced employment with Guestlogix Europe Limited on 11 November 2013. She was employed as a Single Project Manager. She was given a contract at the time of her employment. Her employment transferred to Guestlogix Technologies Limited on 30 January 2014. She did not receive an updated contract of employment at that time or after.
2. The claimant was dismissed by the first respondent, Guestlogix Technologies Limited, on 31 August 2016. She was told she was being made redundant. She was not paid payment in lieu of statutory notice or redundancy payment. The claimant's colleagues were transferred in their employment to the second respondent, Guestlogix UK Limited, on 14 September 2016. There were no consultation meetings about the transfer or about why the claimant was made redundant.
3. Whilst employed, the claimant was earning £69,999.96 per annum. The first respondent was contributing £175.00, 3% of her basic salary towards her pension per month.

4. Following her dismissal, the claimant applied for a number of jobs she has had a number of interviews but remains unsuccessful in finding a job. She has since fallen pregnant which has made it difficult for her to find new employment.
5. The claimant's date of birth is 1 July 1975. She is 41 years of age. She has two complete years of service for the respondent.
6. The claimant is entitled to a basic award in the sum of £958.00.
7. In respect of the compensatory award for unfair dismissal, the claimant's loss of earnings from 1 October 2016 to the final hearing amounts to £26,763.90.
8. The claimant is entitled to four weeks' contractual notice in the sum of £5,384.62.
9. The claimant's pension losses amount to £5,250.00 in respect of the period up to the final hearing. The claimant has made a claim in respect of the period of two weeks following the hearing at the rate of £175.00 per week amounting to £3,850.00. I am satisfied that the claimant is entitled to recover that amount.
10. The claimant has also made a claim for future loss of earnings from the date of hearing for a period of 22 weeks in the sum of £19,626.86. I am satisfied that she is entitled to recover that amount in regard to her attempts to find alternative employment.
11. The claimant has also suffered loss of statutory rights and I make an award in the sum of £400.00 in that regard.
12. The total award to the claimant for unfair dismissal is therefore the sum of £62,133.38. This award should be grossed up to reflect taxation and I apply the following calculations in grossing up the award.

$$£31,275.38/0.6 = £52,125.63.$$

The claimant's grossed up award for unfair dismissal is therefore £82,125.63 and I apply the statutory cap and make a compensatory award in the sum of £69,999.98.

The claimant is therefore entitled to an award for unfair dismissal in the sum of £70,957.98.

13. The claimant is also entitled to recover two weeks' pay in respect of the failure to provide her with particulars of employment and I make an award to the claimant in the sum of £958.00.

14. The respondent failed to consult with the claimant in respect of a TUPE transfer and in that regard, she is entitled to an award of 13 weeks' pay and I make an award in the sum of £17,499.95.

Employment Judge Gumbiti-Zimuto

Date: 17 July 2017.....

Judgment and Reasons

Sent to the parties on:

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For the Tribunal Office