



EMPLOYMENT TRIBUNALS

Claimant: Mr A Orchard

Respondents: 1. Integro Packaging (Deeside) Limited (in Liquidation)
2. Sentinel Packaging Limited

Heard at: Manchester **On:** 17 September 2018

Before: Employment Judge Sharkett

REPRESENTATION:

Claimant: Mr Wood of Counsel

Respondents: Not in attendance

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's employment transferred to the second respondent under the Transfer of Undertakings (Protection of Employment) Regulations 2006 (the TUPE Regs)
2. The Claimant was constructively dismissed under Regulation 7 of the TUPE Regs). Such dismissal was unfair.
3. The Respondent is Ordered to pay to the claimant the sum of £6421 as compensation for unfair dismissal. Calculated as follows:
 - a. Basic award in the sum of £6071.52
 - b. Compensatory award £350 for loss of statutory rights.
4. The Respondent made an unlawful deduction from the claimant's wages. The Respondent is Ordered to pay to the claimant the sum of £1335.11 representing 25 days pay which the Claimant was not paid.
5. The Respondent failed to consult with the Claimant in breach of its obligation under Regulation 13 of the TUPE Regs. The Respondent is Ordered to pay to



the Claimant the sum of £311.36 per week.

representing 13 weeks pay calculated

6. No damages are payable for breach of contract pursuant to Regulation 4(10) of the TUPE Regs.
7. The recoupment provisions do not apply to any part of this award.

Employment Judge Sharkett

Date__16 October 2018_____

JUDGMENT AND REASONS SENT TO THE PARTIES ON
22 October 2018

FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2421165/2017**

Name of case(s): **Mr A Orchard** v **1.Intego Packaging (Deeside) Ltd (In Liquidation)**
2. Sentinel Packaging Limited

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **22 October 2018**

"the calculation day" is: **23 October 2018**

"the stipulated rate of interest" is: **8%**

MISS L HUNTER
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.