



EMPLOYMENT TRIBUNALS

Claimant: Mr M Whitehead

Respondents: Savage Blue Limited (2)
Abg Couriers Limited (3)

Heard at: Leeds **On:** 7 June 2018

Before:
Employment Judge JM Wade

Representation

Claimant: Ms Nanhoo-Robinson (counsel)
Second Respondent: No attendance
Third Respondent: Mr G Francis (managing director)

JUDGMENT

1 The claimant was not assigned to the organised grouping of employees which was the subject of a relevant transfer pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 at midnight on 30 October 2017.

2 The complaints against the third respondent are therefore dismissed.

3 The claimant was entitled to be paid a statutory redundancy payment by the second respondent consequent on his dismissal on 3 November 2017 in the sum of £3667.50.

4 The claimant's complaints of unfair dismissal, unlawful deduction of wages (his entitlement to notice pay), and a failure to pay holiday pay on the termination of employment (Regulation 14), are well founded and succeed.

5 The respondent shall pay to the claimant the following sums:

Notice pay (five weeks' net pay):	£2247.90
Unpaid net holiday pay:	£2041.80
Basic Award:	Nil (statutory redundancy payment awarded);
Compensatory Award:	£9720.39

6 The recoupment regulations do not apply to these Awards.

7 The claimant's complaint of a failure by the Second Respondent (Savage Blue Limited) to inform and consult elected representatives of affected

Case No: 1802372/2018

employees is well founded. The description of affected employees is those employees affected by the transfer, but not assigned to the organised grouping of employees to be transferred (the claimant).

8 The Second Respondent shall pay to the claimant the sum of £3456 by way of appropriate compensation (six weeks' gross pay at £576 per week, the statutory cap on a week's pay not applying to these Regulations).

Employment Judge JM Wade

Date 8 June 2018

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

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