



EMPLOYMENT TRIBUNALS

JUDGMENT

Claimant: Mr A Snaith

First Respondent: Keebar Construction Limited (in compulsory liquidation)

Second Respondent: Gisborough Project Services Limited

Third Respondent: The Secretary of State for Business Energy and Industrial Strategy

Heard at: Teesside Justice Hearing Centre On: 7 March 2019
Before: Employment Judge Shepherd

Members : Mr P Curtis
Mr S Wykes

Representation:

Claimant: Mr G Williams, Trade Union Officer

First Respondent : No appearance

Second Respondent: No appearance

Third Respondent: No appearance

JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The claims against the first and third respondent and not well-founded and are dismissed.

2. In respect of the second respondent, the claim of failure to inform and consult under the Transfer of Undertakings (Protection of Employment) regulations 2006 is not well-founded and is dismissed.

3. The claim of outstanding holiday pay is not well founded and is dismissed.
4. It is declared that there was a failure by the second respondent to provide itemised pay statements. The Tribunal makes no order for payment to the claimant in this regard.
5. The claim for redundancy payment is well-founded and succeeds. The claimant is entitled to a statutory redundancy payment in the sum of £1,467.00.
6. The claim of unfair dismissal is well-founded and succeeds. The second respondent is ordered to pay the claimant the sum of £500.
7. The claim of breach of contract – notice pay is well-founded and succeeds and the second respondent is ordered to pay to the claimant the sum of £910.90. This is a net figure and the second respondent is responsible for the payment of any tax and national insurance thereon.
8. The second respondent failed to provide the claimant with the duty to give a written statement of employment particulars and, pursuant to section 38 of the Employment Act 2002, the second respondent is ordered to pay the claimant an amount equal to 4 weeks' pay subject to the statutory maximum (£489) – £1,956.00.
9. The claim of unauthorised deduction from wages is well-founded and succeeds and the second respondent is ordered to pay to the claimant the net sum of 1,281.00. This is a net figure and the second respondent is responsible for the payment of any tax and national insurance thereon.

The total amount ordered to be paid by the second respondent to the claimant is £6,114.90.

Employment Judge Shepherd

Date: 7 March 2019



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2500668/2018**

Name of case(s): **Mr A Snaith** v **Gisborough Project Services 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: **15 March 2019**

"the calculation day" is: **16 March 2019**

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

MISS K FEATHERSTONE
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/publications/employment-tribunal-hearings-judgment-guide-t426

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.