



EMPLOYMENT TRIBUNALS

Claimant: Ms Lisa Morley

Respondents: (1) Azam Iqbal (t/a Priory News)
(2) Farah Muzafar (t/a Priory News)
(3) Priory News Limited
(4) Tazawar Hussain (t/a Priory News)

Heard at: North Shields **On:** 8-10 May 2018

Before: Employment Judge O'Dempsey

Members: Ms Jennings
Mr Cartwright

Representation:

Claimant: B Clayton of Counsel
Respondents: (1) In person
(2) By the first respondent
(3) No attendance, not represented
(4) No attendance, not represented

JUDGMENT

Successful claims

The Claimant's claims against the third Respondent succeed but are dismissed against the other Respondents as follows:

1. For unfair dismissal, both as a result of regulation 7 Transfer of Undertakings (Protection of Employment) Regulations, and section 98 of the Employment Rights Act 1996.
 - a. The award below is not subject to any reduction for contributory fault or to reflect the argument that the claimant would have been dismissed in any event.
 - b. The basic award is £2242.50
 - c. The compensatory award is £580
 - d. The award is subject to recoupment. The prescribed element is from 29.7.17 to 28.10.17 (being 12 weeks) amounting to £2070.50
2. For wrongful dismissal: the Claimant is entitled to notice pay of 12 weeks: £2070.50.
3. For unlawful deductions from wages: in the sum of £89.35 and in respect of unpaid holiday pay in the sum of £307.50.

4. For failure to provide written terms and conditions: the Claimant is awarded £345 being two weeks' pay.

Successful claims against third and fourth Respondents

1. The Claimant's claim for failure to consult with her over the transfer of the undertaking pursuant to regulation 16 TUPE Regulations succeeds. The Claimant is entitled to £2242.50 representing 13 weeks' pay. The Third and Fourth Respondents are jointly and severally liable for this award.

Unsuccessful claims

1. The Claimant's claim against any of the Respondents for failure to provide written reasons for dismissal is dismissed upon withdrawal by the Claimant.
2. The first and second respondents' counter claims are dismissed as neither was the Claimant's employer; the third and fourth respondent did not attempt such a counter claim.

Employment Judge O'Dempsey

Date: 1 June 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.

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.