



EMPLOYMENT TRIBUNALS

Claimant: Mr A E Ali (C1)
Mr K Ambatzidis (C2)

Respondent: Dario Security Limited

Heard at: Cardiff **On: Tuesday 1 October and
Wednesday 2 October 2019**

Before: Employment Judge R L Brace
Members: Mr W Davies
Ms C Lovell

Representation:
Claimant: In person
Respondent: Mr Maratos (Consultant)

JUDGMENT

Liability having been conceded by the respondent on the following:

1. In breach of contract, the respondent failed to give the claimants notice of the termination of employment or make a payment in lieu thereof.
2. In breach of Regulation 14(2) of the Working Time Regulations 1998, the respondent failed to pay the claimants a sum in lieu of holiday that they had accrued but not taken by the date on which their employment terminated.
3. The claimants were automatically unfairly dismissed contrary to Regulation 7 Transfer of Undertaking (Protection of Employment) Regulations 2006 ("TUPE").
4. There was a failure to inform and consult under regulation 13 TUPE.

It is ordered the respondent pay the claimants the following sums in this regard:

Mr A E Ali (C1)			
1.	Breach of contract (Notice)	2 weeks x £375.84 (net)	£751.68
2.	Pension contributions		£93.96
3.	Holidays	162.75 hours @ £7.83ph (gross)	£1274.33
4	Unfair Dismissal		
	Basic Award	2 x 1.5 x £469.80	£1,409.40
	Compensatory Award	Loss from 25 June 2018 – 26 October 2018 (17 weeks /514 hours)	£3,217.64
5.	Regulation 15 (1) TUPE Award	13 weeks' pay x £469.80	£6,107.40
	Total		£12,854.41
<p>The total amount the respondent must pay to Mr Ali (C1) is therefore £12,854.41.</p> <p>Mr Ali (C1) is responsible for any income tax or employee national insurance contributions that may be due on the sums awarded at paragraphs 3 above.</p>			

Mr K Ambatzidis (C2)			
1.	Breach of contract (Notice)	3 weeks x £252.00 (net)	£756.00
2.	Pension contributions		£51.53
3.	Holidays	67.68 hours @ £7.83ph (gross)	£530.87
4.	Unfair Dismissal		
	Basic Award	3 x £281.88	£845.64
5.	Regulation 15 (1) TUPE Award	13 weeks' pay x £281.88	£3,664.44
	Total		£5,848.48
<p>The total amount the respondent must pay to Mr Ambatzidis (C2) is therefore £5,848.48.</p> <p>Mr Ambatzidis (C2) is responsible for any income tax or employee national insurance contributions that may be due on the sums awarded at paragraphs 3 above.</p>			



Employment Judge RL Brace
Dated: 10 October 2019

JUDGMENT SENT TO THE PARTIES ON

.....12 October 2019.....

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FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS

NOTE:

This is a written record of the Tribunal's decision. Reasons for this decision were given orally at the hearing. Written reasons are not provided unless (a) a party asks for them at the hearing itself or (b) a party makes a written request for them within 14 days of the date on which this written record is sent to the parties. This information is provided in compliance with Rule 62(3) of the Tribunal's Rules of Procedure 2013.