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EMPLOYMENT TRIBUNALS

Claimants: 1. Mr A Parry
2. Mr R Gabriel
3. Mr S Gabriel

Respondent: Listrel Ltd

Heard at: East London Hearing Centre

On: Thursday 14 November 2019

Before: Employment Judge Burgher (sitting alone)

Representation

Claimants: All in person

Respondent: Mr A Golbourn (Director)

JUDGMENT

The judgment of the Employment Tribunal is that:-

- (1) Mr Parry's claims for redundancy payment, notice payment and accrued holiday succeed. Mr Parry is entitled to the sum of £10,050 in respect of his claims.
- (2) Mr R Gabriel's claims for redundancy payment, notice payment and accrued holiday succeed. Mr R Gabriel is entitled to the sum of £12,450 in respect of his claims.
- (3) Mr S Gabriel's claims for redundancy payment, notice payment and accrued holiday succeed. Mr S Gabriel is entitled to the sum of £12,000 in respect of his claims.
- (4) The Respondent has been struck off the Companies Register and the sums due to each Claimant will fall to be paid by the Redundancy Payments Office.

REASONS

1. I heard evidence from all 3 Claimants and reviewed their payslips and contracts of employment.
2. Common facts between all 3 Claimants are:
 - 2.1 They were all made redundant on 28 February 2019 without notice. The Respondent has dissolved via voluntary strike off on 5 November 2019 and its directors have always maintained to the Redundancy Payments Office that it could not afford to remain in business. It had suffered a downturn in business and could not pay its debts regarding overdrafts and licenses or the cost of £32,000 liquidity bond to continue to operate its business in London following introduction of ultra-low emissions zones.
 - 2.2 They all earned £300 gross per week.
 - 2.3 They were all entitled to a maximum of 12 weeks' notice of termination of employment, compatible with statutory notice.

A Parry – 3201629/2019

3. Mr Parry's claims for redundancy payment, notice payment and accrued holiday succeed.
4. Mr Parry commenced employment with the Respondent on 16 August 2004. He had 14 years continuous service and was 54 years old at the date of his redundancy.
5. He is therefore entitled to a redundancy payment based on 20.5 weeks' pay. His weekly pay was £300 and therefore his total redundancy payment is £6,150.00.
6. Mr Parry is entitled to 12 weeks' notice amounting to £3,600 and 1 weeks accrued holiday pay of £300.
7. Mr Parry is therefore entitled to be paid the sum of £10,050. The Respondent has been struck off the Companies Register and these sums will fall to be paid by the Redundancy Payments Office.

R Gabriel – 3201712/2019

8. Mr R Gabriel's claims for redundancy payment, notice payment and accrued holiday succeed.
9. Mr R Gabriel commenced employment with the Respondent on 15 April 1996. He had 22 years continuous service and was 58 years old at the date of his redundancy.

10. He is therefore entitled to a redundancy payment based on 28.5 weeks' pay. His weekly pay was £300 and therefore his total redundancy payment is £8,550.

11. Mr R Gabriel is entitled to 12 weeks' notice amounting to £3,600 and 1 weeks accrued holiday pay of £300.

12. Mr R Gabriel is therefore entitled to be paid the sum of £12,450. The Respondent has been struck off the Companies Register and these sums will fall to be paid by the Redundancy Payments Office.

S Gabriel – 3201589/2019

13. Mr S Gabriel's claims for redundancy payment, notice payment and accrued holiday succeed.

14. Mr Parry commenced employment with the Respondent on 15 April 1996. He had 22 years continuous service and was 55 years old at the date of his redundancy.

15. He is therefore entitled to a redundancy payment based on 27 weeks' pay. His weekly pay was £300 and therefore his total redundancy payment is £8,100.

16. Mr S Gabriel is entitled to 12 weeks' notice amounting to £3,600 and 1 weeks accrued holiday pay of £300.

17. Mr S Gabriel is therefore entitled to be paid the sum of £12,000. The Respondent has been struck off the Companies Register and these sums will fall to be paid by the Redundancy Payments Office.

Conclusion

18. It is regrettable that the Claimants have been required to wait for a Tribunal judgment before the Redundancy Payments Office discharges its obligations to pay in these circumstances.

Employment Judge Burgher
Date: 15 November 2019