



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Philip Mottershead

**First respondent:** Harrison Brothers (Furniture) Ltd (in administration)

**Second respondent:** Wendy Etchells Ltd

**Heard at:** Manchester      **On:** 12 and 13 November 2019

**Before:** Employment Judge Hoey

## **Representatives**

For the claimant: Representing himself

For the respondents: No representation

## **JUDGMENT**

1. The second respondent is added as a party to these proceedings in terms of Rule 34 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, their not being included being an oversight following the case management preliminary hearing heard on 25 June 2018 and the Note thereof (at paragraph 4) making it clear that the second respondent could be liable for the remedy claimed.
2. The submission by the first respondent that the claims should not be enforced by reason of public policy is rejected, there being no relevant illegality.
3. The claimant was unfairly dismissed and is not awarded a basic award (as he received a redundancy payment) but is awarded a compensatory award in the sum of £5,017.44 (comprising wage loss of £4,567.44 and £450 in respect of loss of statutory rights), which is payable by the first respondent to the claimant.
4. The first respondent shall pay the claimant the net sum of £99.56, being the shortfall of wages due to the claimant, an unlawful deduction of the claimant's wages in terms of section 13 of the Employment Rights Act 1996.

5. The Tribunal declares that the first respondent failed to comply with its duty in terms of regulation 13 of the Transfer of Undertaking (Protection of Employment) Regulations 2006 (to elect, inform and consult appropriate representatives of affected employees, namely those engaged by the first respondent to carry out office functions, of which the claimant was a part) and finds that the first respondent and second respondent are jointly and severally liable to pay the claimant the sum of 13 week's pay, namely £6,500.
6. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply to any of these awards.

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Employment Judge Hoey

DATE: 13 November 2019

JUDGMENT SENT TO THE PARTIES ON

29 November 2019

Notes

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](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2424110/2017**

Name of case(s): **Mr P Mottershead** v

- 1) **Harrison Brothers (Furniture) Ltd (In Administration)**
- 2) **Wendy Etchells Ltd**

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: **29 November 2019**

"the calculation day" is: **30 November 2019**

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

MR I STOCKTON  
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](http://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.