



EMPLOYMENT TRIBUNALS

Claimant: Mr M Tariq

Respondent: Cordant Security Limited

Heard at: Birmingham **On:** 1, 2 & 3 April 2019

Before: Employment Judge Flood

Mr Bell

Mr Liburd

Representation

Claimant: Mrs Bibi (lay representative)

Respondent: Miss Lovell (solicitor)

JUDGMENT

1. At the material time there was not a service provision change, within the meaning of regulation 3(1) (b) (ii) of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (as amended) ("TUPE") in relation to security services carried out by the respondent at the Arrow XL site in Blackpole Worcester.
2. The claimant's complaints of automatically unfair dismissal under regulation 7 and failure to inform and consult under regulations 13 and 15 of TUPE are accordingly not well founded and are dismissed.
3. The claimant's complaint of unfair constructive dismissal under section 94 and 95 (1) (c) of the Employment Rights Act 1996 ("ERA") is well founded and succeeds.

4. The claimant's complaint of unauthorised deduction from wages for the period from 3 January to 20 February 2018 is not well founded and is dismissed.

Employment Judge **Flood**

Date 5 April 2019