



EMPLOYMENT TRIBUNALS

Claimants: Mr D Whitehouse (1), Mr M Griffiths (2), Mr K Hackett (3), Ms L Smith (4), Mr I Rose (5), Mr G Alebon (6), Mr B Russell (7), Mr R Phipps (8)

Respondent: Harwell Engineering Ltd

Heard at: Birmingham

On: 11 February 2020

Before: Employment Judge Meichen

Appearances:

For the claimants: in person

For the respondent: no appearance or representation

JUDGMENT

The respondent did not attend the hearing today and it has not presented any response, or responded to any correspondence from the Tribunal.

I am entitled under Rule 21 to make a determination on the basis of the information provided by the claimants and I decided to do so. The claimants all attended today and provided relevant documentation and information. I was satisfied that I had sufficient information to make the following decisions on each claim.

1. Mr D Whitehouse

1.1 The claimant's claim for a redundancy payment succeeds. The respondent is ordered to pay the claimant the sum of £5512.50.

1.2 The claimant is given permission to amend his claim to include a claim for notice pay. The claimant had claimed for "arrears of pay" albeit he had not specifically mentioned notice. The respondent had chosen not to defend any of these claims and I was entirely satisfied that no notice had been given. Taking these factors into account the balance of injustice and hardship in my judgment favoured granting an amendment.

1.3 The claimant's claim for notice pay succeeds. The respondent is ordered to pay the claimant 7 weeks pay which is £7000.

1.4 The claimant's claim for unlawful deductions from wages succeeds. The respondent is ordered to pay the claimant 2 weeks pay which is £2000.

2. Mr M Griffiths

2.1 The claimant's claim for a redundancy payment succeeds. The respondent is ordered to pay the claimant the sum of £9843.

2.2 The claimant's claim for notice pay succeeds. The respondent is ordered to pay the claimant 12 weeks pay which is £4632.

2.3 The claimant's claim for unlawful deductions from wages succeeds. The respondent is ordered to pay the claimant 2 weeks pay which is £772.

2.4 The claimant's claim for unpaid holiday pay succeeds. The respondent is ordered to pay the claimant 14 days pay which is £1080.80.

3. Mr K Hackett

3.1 The claimant's claim for a redundancy payment succeeds. The respondent is ordered to pay the claimant the sum of £5265.

3.2 The claimant's claim for notice pay succeeds. The respondent is ordered to pay the claimant 9 weeks pay which is £3510.

3.3 The claimant's claim for unlawful deductions from wages succeeds. The respondent is ordered to pay the claimant 2 weeks pay which is £780.

3.4 The claimant's claim for unpaid holiday pay succeeds. The respondent is ordered to pay the claimant 7.5 days pay which is £585.

4. Ms L Smith

4.1 The claimant's claim for notice pay succeeds. The respondent is ordered to pay the claimant 1 weeks pay which is £605.

4.2 The claimant's claim for unlawful deductions from wages succeeds.

4.2.1 The respondent is ordered to pay the claimant 2 weeks pay which is £1210.

4.2.2 The respondent is ordered to pay the claimant the additional sum of £29.17 in respect of a further unlawful deduction.

4.3 The claimant's claim for unpaid holiday pay succeeds. The respondent is ordered to pay the claimant 16.5 days pay which is £1996.50.

4.4 The respondent breached the claimant's contract of employment by failing to make pension contributions. The respondent is ordered to pay the claimant the sum of £816.62.

5. Mr I Rose

5.1 The claimant's claim for notice pay succeeds. The respondent is ordered to pay the claimant 1 weeks pay which is £1000.

5.2 The claimant's claim for unlawful deductions from wages succeeds. The respondent is ordered to pay the claimant 2 weeks pay which is £2000.

5.3 The claimant's claim for unpaid holiday pay succeeds. The respondent is ordered to pay the claimant 12 days pay which is £2400.

5.4 The respondent breached the claimant's contract of employment by failing to make pension contributions. The respondent is ordered to pay the claimant the sum of £489.52.

6. Mr G Alebon

6.1 The claimant's claim for notice pay succeeds. The respondent is ordered to pay the claimant 1 weeks pay which is £660.

6.2 The claimant's claim for unlawful deductions from wages succeeds. The respondent is ordered to pay the claimant 2 weeks pay which is £1320.

6.3 The claimant's claim for unpaid holiday pay succeeds. The respondent is ordered to pay the claimant 4 days pay which is £528.

6.4 The respondent breached the claimant's contract of employment by failing to make pension contributions. The respondent is ordered to pay the claimant the sum of £135.50.

7. Mr B Russell

7.1 The claimant's claim for a redundancy payment succeeds. The respondent is ordered to pay the claimant the sum of £9254.40.

7.2 The claimant's claim for notice pay succeeds. The respondent is ordered to pay the claimant 12 weeks pay which is £4627.20.

7.3 The claimant's claim for unlawful deductions from wages succeeds. The respondent is ordered to pay the claimant 2 weeks pay which is £771.20.

7.4 The claimant's claim for unpaid holiday pay succeeds. The respondent is ordered to pay the claimant 3 days pay which is £231.36.

8. Mr R Phipps

Case Numbers: 1307336/19 (1), 1307574/19 (2), 1307575/19 (3), 1307686/19 (4), 1307764/19 (5), 1308006/19 (6), 1307685/19 (7), 1307737/19 (8)

- 8.1 The claimant's claim is joined to be considered along with the other claims as they give rise to the same issues.
- 8.2 The claimant's claim for unfair dismissal is dismissed following a withdrawal by the claimant.
- 8.3 The claimant's claim for a redundancy payment succeeds. The respondent is ordered to pay the claimant the sum of £10750.
- 8.4 The claimant's claim for notice pay succeeds. The respondent is ordered to pay the claimant 12 weeks pay which is £6000.
- 8.5 The claimant's claim for unlawful deductions from wages succeeds. The respondent is ordered to pay the claimant 2 weeks pay which is £1000.
- 8.6 The claimant's claim for unpaid holiday pay succeeds. The respondent is ordered to pay the claimant 7.5 days pay which is £750.

The above sums have all been awarded gross and the claimants are responsible for any tax or national insurance which may be payable.

Employment Judge Meichen

11 February 2020

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.