



# EMPLOYMENT TRIBUNALS

**Claimants:** Mr L Evans, Mr D Harrison, Mr P Jackson, Mr K Philips, Mr C Reid, Mr P Hull, Mr L Mulvey, Mr F Francis

**Respondents:** ETA Parcel Solutions Limited (in compulsory liquidation) (1), The Secretary of State for Business, Energy & Industrial Strategy (2)

**Heard at:** Birmingham

**On:** 5 January 2021

**Before:** Employment Judge Meichen (sitting alone)

## Appearances

For the claimant: Mr E Komeng, lay representative

For the respondents: no appearance or representation

## JUDGMENT

The claims brought against the second respondent under sections 170 and 188 Employment Rights Act 1996 succeed as set out below.

### Explanatory note

The claimants are pursuing claims for redundancy pay and notice pay against the second respondent, their claims against the first respondent having been stayed. The second respondent accepted that the first respondent is insolvent and that the claimants were employees of the first respondent. However, a dispute arose over the claimants' claimed length of service which led to the second respondent rejecting the claims for redundancy and notice pay.

Accordingly, the hearing before me focused on the claimant's length of service. On the evidence before me (which I understand was rather fuller than that previously provided) I determined that the claimants did have sufficient service to claim notice and redundancy payments. I record below the detail of my findings.

The hearing was an in person hearing which took place on the first day after a further period of national lockdown had been announced. I was therefore concerned to ensure the claimants and their representative were not required to remain in the Tribunal any longer than necessary. So, I agreed with the claimant's representative that I would do

the calculations to work out the amounts which the claimants should be paid on my own and include these in the judgment.

Unfortunately when I embarked upon this after the claimants had left I realised I did not have sufficient evidence to do the calculations in respect of the following claimants: Mr L Evans, Mr D Harrison, Mr P Jackson, Mr P Hull, Mr L Mulvey. In respect of those claimants there was insufficient evidence provided to substantiate the figures for net and gross weekly pay which had been claimed in their schedules of loss.

It may be that the findings below as to length of service are sufficient for the above claimants to claim the outstanding sums from the second respondent. However, if the claimants would wish to have a judgment setting out the sums they are entitled to they must each do the following: within 14 days of the date this judgment is sent provide pay slips and/or bank statements which show their gross and net weekly earnings at the time they were dismissed. If this is done I shall treat it as a reconsideration application and if the information provided is sufficient I shall vary the judgment to include the calculation of the sums to which all the claimants are entitled.

#### Mr. L Evans

- (1) The claimant had continuity of employment from 1 November 2009.
- (2) The claimant was dismissed by reason of redundancy on 13 June 2018.
- (3) The claimant therefore had 8 years continuous service at the time he was dismissed.
- (4) The claimant is therefore entitled to 8 weeks' notice pay and a redundancy payment.

#### Mr. D Harrison

- (1) The claimant had continuity of employment from 10 March 2008.
- (2) The claimant was dismissed by reason of redundancy on 13 June 2018.
- (3) The claimant therefore had 10 years continuous service at the time he was dismissed.
- (4) The claimant is therefore entitled to 10 weeks' notice pay and a redundancy payment.

#### Mr. P Jackson

- (1) The claimant had continuity of employment from 4 June 2011.
- (2) The claimant was dismissed by reason of redundancy on 13 June 2018.
- (3) The claimant therefore had 7 years continuous service at the time he was dismissed.
- (4) The claimant is therefore entitled to 7 weeks' notice pay and a redundancy payment.

#### Mr. K Philips

- (1) The claimant had continuity of employment from 25 February 2000.
- (2) The claimant was dismissed by reason of redundancy on 13 June 2018.

- (3) The claimant therefore had 18 years continuous service at the time he was dismissed.
- (4) The claimant is therefore entitled to 12 weeks' notice pay and a redundancy payment.
- (5) The claimant's net weekly pay was £441.37.
- (6) The claimant's gross weekly pay was £569.33.
- (7) The amount of the redundancy payment which the claimant is entitled to is £9652 (19 x 508).
- (8) The amount of notice pay which the claimant is entitled to is £5296.44 (12 x 441.37).

#### Mr. C Reid

- (1) The claimant had continuity of employment from 5 March 2007.
- (2) The claimant was dismissed by reason of redundancy on 13 June 2018.
- (3) The claimant therefore had 11 years continuous service at the time he was dismissed.
- (4) The claimant is therefore entitled to 11 weeks' notice pay and a redundancy payment.
- (5) The claimant's net weekly pay was £346.23.
- (6) The claimant's gross weekly pay was £432.25.
- (7) The amount of the redundancy payment which the claimant is entitled to is £6267.63 (14.5 x 432.25).
- (8) The amount of notice pay which the claimant is entitled to is £3808.53 (11 x 346.23).

#### Mr. P Hull

- (1) The claimant had continuity of employment from 17 January 2007.
- (2) The claimant was dismissed by reason of redundancy on 13 June 2018.
- (3) The claimant therefore had 11 years continuous service at the time he was dismissed.
- (4) The claimant is therefore entitled to 11 weeks' notice pay and a redundancy payment.

#### Mr. L Mulvey

- (1) The claimant had continuity of employment from 3 June 2012.
- (2) The claimant was dismissed by reason of redundancy on 13 June 2018.
- (3) The claimant therefore had 6 years continuous service at the time he was dismissed.
- (4) The claimant is therefore entitled to 6 weeks' notice pay and a redundancy payment.

#### Mr. F Francis

- (1) The claimant's claim for notice pay under section 188 Employment Rights Act is dismissed following a withdrawal of that claim by the claimant.
- (2) The claimant had continuity of employment from 23 June 2008.
- (3) The claimant was dismissed by reason of redundancy on 13 June 2018.

- (4) The claimant therefore had 9 years continuous service at the time he was dismissed.
- (5) The claimant is therefore entitled to a redundancy payment.
- (6) The claimant's gross weekly pay was £623.
- (7) The amount of the redundancy payment which the claimant is entitled to is £6858 (13.5 x 508).

**Employment Judge Meichen**

11 January 2021

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.