



EMPLOYMENT TRIBUNALS

Claimant: Miss J Palmer

Second Respondent: Opusclean Limited

Third Respondent: Bettaclean UK Limited

Heard at: Nottingham **On:** 13th January 2021

Before: Employment Judge Rachel Broughton (Sitting alone)

Representatives

Claimant: In Person

Second Respondent: Mr M Huckle – Director of the Second Respondent

Third Respondent: No Attendance

JUDGMENT

Following a hearing by Cloud Video Platform the judgment of the Tribunal is as follows:

1. The complaint of automatic unfair dismissal pursuant to regulation 7 of the Transfer of Undertakings (Protection of Employment) Regulations 2006 and section 94 Employment Rights Act 1996 against the Third Respondent is well founded and succeeds. The **Third Respondent** must pay to the claimant the following amounts;
 - 1.1 A basic award of gross pay of: **£2,158.20**
 - 1.2 Unpaid holiday pay of: **£103**
 - 1.3 Unpaid wages: **£706.32**
 - 1.4 Payment for loss of statutory rights: **£450**
2. The complaint of automatic unfair dismissal pursuant to regulation 7 of the Transfer of Undertakings (Protection of Employment) Regulations 2006 and section 94 Employment Rights Act 1996 against the Second Respondent is not well founded and is struck out.
3. It is the judgement of the tribunal that there was a failure by the

Second Respondent to comply with regulation 13 of the Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE) as the transferor, and pursuant to that declaration, an award is made under regulation 15 (8) (a) TUPE for which the Second Respondent and Third Respondent as the transferee, shall be jointly and severally liable to pay pursuant to regulation 15 (9) TUPE. The compensation to be paid to the Claimant is a sum equivalent to two weeks' gross pay: **£156.96**

Employment Judge Rachel Broughton

Date: 26 January 2021

JUDGMENT SENT TO THE PARTIES ON

29 January 2021

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FOR THE EMPLOYMENT TRIBUNAL OFFICE

Note

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 shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.