



EMPLOYMENT TRIBUNALS

Claimant

Mr J Day

Respondent

v **The Humber Electrical Engineering
Company Limited
(in Administration)**

Upon the claimant's application made by email dated 25 May 2021 to reconsider the judgment under Rule 71 of the Employment Tribunals Rules of Procedure 2013, the judgment of the Tribunal is **VARIED** so that it is now as set out below.

JUDGMENT

1. The respondent dismissed the claimant in breach of contract. His claim for breach of contract (failure to give notice) succeeds.
2. The respondent did not pay the claimant the amount due to him on termination of his employment in respect of accrued but untaken holiday pay under regulation 14 of the Working Time Regulations 1998 and his contract of employment. His claim for holiday pay succeeds.
3. The respondent failed to pay the claimant the statutory redundancy payment due to him. His claim for a statutory redundancy payment succeeds.
4. The claimant's complaint under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 of a failure by the respondent to comply with the requirements of section 188 of that Act is well-founded. The Tribunal orders the respondent by way of protective award under section 189(3) of that Act to pay the claimant remuneration for the period of 90 days beginning on **30 May 2019**. The Recoupment Regulations apply.
5. The claimant must **by no later than 17 March 2020** provide full details to the Tribunal of the amount he seeks in damages for breach of contract, in respect of accrued but untaken holiday pay, and as a statutory redundancy payment, taking proper account of any amounts received from The Insolvency Service and, at the same time, apply for a remedy hearing in respect of those claims, if he wishes such a hearing to take place. A notice of a remedy hearing will then be issued by the Tribunal.

Employment Judge Evans

Date signed: 17 August 2021

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