



EMPLOYMENT TRIBUNALS

Claimant: Mr A Gomes (1)

Mr C Errico (2)

Respondent: Playworks Limited (trading as Panacea)

HELD AT: Manchester

ON: 25 October 2021

BEFORE: Employment Judge Johnson

REPRESENTATION:

Claimant: both claimants attended in person and without representation

Respondent: did not attend

JUDGMENT

Upon hearing the claimants and upon the respondent not attending, the judgment of the Tribunal is that:

First claimant

1. The first claimant is permitted to amend his claim to include complaints of;
 - a) Breach of contract;
 - b) Unlawful deduction from wages; and,
 - c) Holiday pay.
2. The first claimant's complaint of unfair dismissal is well founded, which means that he was unfairly dismissed, and this complaint succeeds.
3. The first claimant's complaint of breach of contract is well founded, which means that this complaint succeeds.

4. The first claimant's complaint of unlawful deduction from wages is well founded, which means that this complaint succeeds.
5. The first claimant's complaint relating to holiday pay is well founded, which means that this complaint succeeds.

Second claimant

1. The second claimant's complaint seeking a redundancy payment is dismissed as insufficient evidence was available to the Tribunal which demonstrated that a redundancy had arisen.
2. The second claimant's complaint of unfair dismissal is well founded, which means that he was unfairly dismissed, and this complaint succeeds.
3. The second claimant's complaint of breach of contract is well founded, which means that this complaint succeeds.
4. The second claimant's complaint relating to holiday pay is well founded, which means that this complaint succeeds.

Remedy Hearing (in respect of first and second claimants)

5. The determination of remedy in relation to each of the claimants' successful complaints will take place before Employment Judge Johnson on **Monday 17 January 2022**, starting at **10am** and with a hearing length of 1 day. The hearing will take place at **The Employment Tribunals, Alexandra House, The Parsonage, Manchester** and be subject to the case management orders provided in a separate order.

Employment Judge Johnson

Date 25 October 2021

JUDGMENT SENT TO THE PARTIES ON

3 November 2021

FOR THE 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.