



EMPLOYMENT TRIBUNALS

Claimant: Mr G Dowdall

Respondent: 1. Rythmix (In Voluntary Liquidation)
2. The Secretary Of State For Business, Energy And Industrial Strategy

JUDGMENT BY CONSENT

Upon the Tribunal having decided that the Claimant was an employee of the first Respondent in a hearing on 26 March 2021 the parties were invited to agree a remedy in respect of the claim.

The Claimant and the first Respondent have agreed the terms of the judgment and it is accordingly set out below:

1. The Claimant's claims for statutory redundancy pay succeed;
2. The Claimant's claims for wrongful dismissal/breach of contract for notice pay succeed;
3. The Claimant's claims for breach of contract and unauthorized deductions from wages in respect of arrears of pay succeed;
4. The Claimant's claims for holiday pay on termination of employment under Regulation 14 of the Working Time Regulations 1998 and/or as an unauthorized deduction from wages succeed. The Tribunal records the Claimant was not given an opportunity or afforded the right to take paid annual leave, nor were they informed that annual leave would be lost. Therefore, untaken holiday entitlement from each year of service carries over from the commencement of their employment and becomes payable upon termination, in line with the Court of Appeal's decision in *Smith v Pimlico Plumbers Ltd*; and
5. The Claimant's claims for failure to provide written particulars succeed.

Remedy.

Compensation is therefore awarded to the Claimant as follows:

6. The respondent has made unauthorised deductions from the claimant's wages and must pay the claimant £2,874 gross.
7. The claimant was dismissed in breach of contract in respect of notice and the respondent must pay damages to the claimant of £1,488 gross.
8. The claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £4,437 gross.
9. The respondent has failed to pay the claimant's holiday entitlement and must pay the claimant £4,713.08 gross.
10. The respondent failed to provide the claimant with written particulars and must pay damages of £696 gross.
11. The respondent must pay the claimant **£14,208.08** in total.
12. The claimant is responsible for any payments owed to HMRC in respect of tax or national insurance contributions.

Employment Judge Wright
Date: **24 January 2023**

JUDGMENT SENT TO THE PARTIES ON
Date: **03 February 2023**

FOR THE TRIBUNAL OFFICE