



EMPLOYMENT TRIBUNALS

Claimant: (1) Mr Edward Skilton
(2) Mr Adrian Fornal
(3) Mr Dariusz Palasz

Respondent: Nordlichter Ltd

RECORD OF A HEARING

Heard at: London South (Croydon) (in private)

On: 16th, 17th and 18th January 2023

Before: Employment Judge L Clarke

Appearances

| | |
|--------------------------|---------------|
| For the First Claimant: | In Person |
| For the Second Claimant: | In Person |
| For the Third Claimant: | In Person |
| For the respondent: | Not attending |

JUDGMENT

- (1) The First Claimant (Mr Edward Skilton)'s claims for constructive unfair dismissal and/or a redundancy payment, wrongful dismissal (notice pay) and for holiday pay were presented out of time and are dismissed.
- (2) The Second Claimant (Mr Adrian Fornal)'s claims for constructive unfair dismissal (alternatively a redundancy payment), wrongful dismissal (notice pay), and holiday pay are well founded. This means they succeed.
- (3) The Respondent is ordered to pay compensation to the Second Claimant (Mr Adrian Fornal) in the **total sum of £11,267.69** (gross) calculated as follows:

Basic Award: **£4,568.00**
£571.00 per week (basic salary £427.68/wk + guaranteed minimum TRONC £193.46/wk, capped at the permissible maximum) x 8 (years continuous employment) x 1 (multiplier)

Wrongful Dismissal (notice pay): **£3,421.44**

£427.68 per week (basic salary only) x 8 weeks

Holiday Pay: **£ 3,278.25**

38.3 days holiday (18.3 accrued and 20 carried over due to Working Time (Coronavirus)(Amendment Regulations 2020) at £124.23 per day (basic salary + guaranteed minimum TRONC) = £4,758.01

Less total holiday pay received £1,479.76

- (4) The Third Claimant (Mr Dariusz Palasz)'s claim for an unlawful deduction of wages from his December 2021 wages is not well-founded and is dismissed.
- (5) The Third Claimant (Mr Dariusz Palasz)'s claims for constructive unfair dismissal (alternatively a redundancy payment) and wrongful dismissal (notice pay) are well founded. This means they succeed.
- (6) The Respondent is ordered to pay compensation to the Third Claimant (Mr Dariusz Palasz) in the **total sum of £8,845.94** (gross) calculated as follows:

Basic Award: **£ 5,424.50**

£571.00 per week (basic salary £427.68/wk + guaranteed minimum TRONC £168.47/wk, capped at the permissible maximum) x 8 (years continuous employment) x 9.5 (multiplier)

Wrongful Dismissal (notice pay): **£ 3,421.44**

£427.68 per week (basic salary only) x 8 weeks

Employment Judge Clarke
Date: 20 January 2023

Sent to the parties on
Date: 22 March 2023