



EMPLOYMENT TRIBUNALS

Claimant: 1. Mrs C Durkin
2. Mr P Ashley
3. Mr S Sinclair

Respondent: 1. Dur-Tona (Euro) Design Limited (in liquidation)
2. Secretary of State for Business and trade

Heard at: Newcastle Employment Tribunal (remotely by CVP)

On: 30th June 2023

Before: Employment Judge Rebecca McGregor

Representation:

Claimants: Mrs C Durkin and Mr S Sinclair, in person, Mr P Ashley did not appear

Respondent 1: No appearance or representation

Respondent 2: Mr S Parag, Lay Representative of the Secretary of State

JUDGMENT ON LIABILITY

1. The Claimants were employed by the First Respondent under a contract of employment.
2. On a reference by the Claimants under **section 170** Employment Rights Act 1996 ('ERA'), the Tribunal determines that the First Respondent is liable to pay the Claimants an "employer's payment" within the meaning of **section 166(2)(a)** ERA, namely a redundancy payment.
3. The employer's payment is payable by the Second Respondent.
4. On a complaint against the Second Respondent under **section 188** ERA for payments under **section 182** of that Act, relating to notice pay and holiday pay, the Tribunal declares that the Second Respondent ought to make the appropriate payments to the Claimants.
5. As claimed and agreed by the Claimant's at the hearing, the payments under section 182 are restricted to income paid to the Claimants by way of PAYE and recorded on their P60s.

6. Upon the Tribunal being invited to adjourn the issue of the amounts payable, the amount of the sum payable by the Second Respondent will be determined by agreement between the parties or the matter will be referred back to the Tribunal for a remedy hearing before Employment Judge McGregor.

Employment Judge Rebecca McGregor

Date: **5 July 2023**

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.