



# EMPLOYMENT TRIBUNALS

**Claimant:** Tomasz Jarecki

**Respondent:** Like U CIO

**Heard at:** Birmingham (by CVP)

**On:** 6 and 7 July 2023  
9 and 10 November 2023

**Before:** Employment Judge Edmonds  
Mr N Howard  
Mr D McIntosh

## Representation

Claimant: In person

Respondent: Ms S Sodhi, Litigation Consultant (6 / 7 July and 9 November 2023)

Mr S Hoyle, Litigation Consultant (10 November 2023)

This has been a remote hearing which has been consented to by the parties. The form of remote hearing was V (fully remote). A face to face hearing was not held because it was not practicable and all issues could be determined in a remote hearing

# JUDGMENT

1. The complaint of automatic unfair constructive dismissal is not well-founded and is dismissed.
2. The complaint of automatic unfair dismissal is not well-founded and is dismissed.
3. The complaint of being subjected to detriment for making a protected disclosure would have succeeded, however it was not brought within the required time limits and it therefore is not well-founded and is dismissed.
4. The complaint of breach of contract in relation to notice pay is well-founded and succeeds.
5. A separate remedy hearing will take place, with a time estimate of half a day, on **29 February 2024** to consider what compensation, if any, should be awarded to the claimant in respect of notice pay. This will include, amongst other matters, consideration of any steps the claimant has taken to mitigate

his loss through alternative employment, and consideration of whether there has been a failure to follow the ACAS Code of Practice on Disciplinary and Grievance Procedures and, if so, whether compensation should be adjusted by up to 25% as a result.

6. In preparation for the remedy hearing, the parties are ordered as follows:
  - a. By 15 December 2023, the parties must each disclose to each other any documents relating to remedy which have not already been disclosed, including any documents showing the earnings which the claimant received from other employers during what would have been his notice period.
  - b. By 19 January 2024, the respondent is to provide a draft index to the claimant of the documents proposed to be used at the remedy hearing.
  - c. By 2 February 2024, the parties should work together to agree the contents of a file for the remedy hearing. If the parties cannot reach agreement on any particular document, it should be included in the file to avoid having separate files for each party.
  - d. By 9 February 2024, the claimant is to provide his witness statement for use at the remedy hearing.

**Employment Judge Edmonds**

**Date 10 November 2023**

Notes

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.

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