



EMPLOYMENT TRIBUNALS

Claimant: Matthew Worthy

Respondents: 1) JD Fitness Group Limited
2) N&S Fitness Limited

Heard at: Reading

On: 6 and 7 March 2024

Before: Employment Judge Liz Ord
Tribunal Member Janice Wood
Tribunal Member Joanna Smith

Representation:

Claimant: In person
Respondents: 1) Not attending
2) Not attending

JUDGMENT

1. The Claimant was not automatically dismissed as a result of a TUPE transfer between the First and Second Respondent.
2. The Claimant was unfairly dismissed (as per the Employment Rights Act 1996) by the First Respondent. The First Respondent is ordered to pay the Claimant the sum of **£6,112.11** made up of the following sums:
 - 2.1. Basic Award - £3,997.00 gross (7 years' service; 7 x £571.00);
 - 2.2. Compensatory Award - £1,665.11 net (difference in pay from 13.12.22 to remedy hearing on 7.3.24);
 - 2.3. Loss of Statutory Rights - £450.00.

The Employment Protection (Recoupment of Benefits) Regulations 1996 does not apply.
3. The Claimant was wrongfully dismissed by the First Respondent and is owed notice pay. The First Respondent is ordered to pay the Claimant the net sum of **£1,233.40** (2 weeks full and 5 weeks difference in pay).
4. There was a failure to consult as required by TUPE. The Respondents are

ordered to pay the Claimant the sum of **£8,750.04** (13 week's gross pay).

5. There was an unauthorised deduction from the Claimant's wages. The Respondents are ordered to pay the Claimant the sum of **£3,500.12** gross (pay owed from 1.10.22 to 7.11.22).
6. The Claimant is owed holiday pay for accrued holidays. The Respondents are ordered to pay the Claimant the sum of **£749.07** net (for 7 days holiday pay).

Employment Judge Liz Ord

Date 7 March 2024

JUDGMENT SENT TO THE PARTIES ON

25/3/2024

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FOR THE TRIBUNAL OFFICE

Notes

1. 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. If written reasons are provided, they will be displayed on the tribunal's online register of judgments, which is visible to internet searches.