



EMPLOYMENT TRIBUNALS

Between:

Mrs B Charlesworth
Claimant

and

(R1) Harnser Inns Ltd & others
In Creditors Voluntary Liquidation
(R2) William & Jane Wright
t/a The Old Crown
Respondents

Record of a Closed Telephone Preliminary Hearing at the Employment Tribunal

Held at: Nottingham

On: Tuesday 9 October 2018

Before: Employment Judge Hutchinson (sitting alone)

Representation

For the Claimant: Ms Randall, Solicitor
For the First Respondent: No appearance
For the Second Respondent: No appearance

CASE MANAGEMENT SUMMARY

Background and issues

1. The Claimant presented her claim to the tribunal on 8 June 2018. She had been employed at the Old Crown, High Street, Fleckney, Leicester from 1 January 2010 until her dismissal on 22 January 2018. She was employed as Assistant Manager.
2. She claimed;
 - unfair dismissal
 - redundancy pay
 - breach of contract in respect of notice
 - holiday pay

- age discrimination
- failure to inform and consult under the TUPE Regulations 2006.

3. The First Respondent is in creditors voluntary liquidation and the liquidator has written to the tribunal to explain that they did not employ the Claimant. She was employed by R2, who were the licensees of the premises.

4. The Claimant accepts that she was not employed by the First Respondent and as the Second Respondents have not presented an ET3, we agreed that as the time for filing an ET3 has elapsed that I should issue a default judgment under Rule 21 of the Employment Tribunals Rules of Procedure 2013.

The Claimant's circumstances

5. The Claimant was 56 years old at the effective date of termination of her employment and she had 8 full years of service. Her gross pay was £278.85 per week and her net pay was £254.63 per week. She was unemployed until 13 May 2018 when she gained employment at a rate of £140 per week. That position pertains today and I decided that in respect of future losses, an appropriate period was 13 weeks.

JUDGMENT

Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 – Rule 21

1. The claims against the First Respondent are withdrawn and dismissed.
2. The claims of age discrimination are withdrawn and dismissed.
3. The claim that the Respondents had failed to pay the Claimant's holiday entitlement is withdrawn and dismissed.
4. The Claimant was dismissed by reason of redundancy and is entitled to a redundancy payment of £3,346.20.
5. The Claimant was unfairly dismissed by the Second Respondents. The Second Respondents are ordered to pay compensation to the Claimant in the sum of £8,043.13.
6. The Claimant was dismissed in breach of contract in respect of notice and the Second Respondents are ordered to pay damages to the Claimant in the sum of £2,037.04.
7. The Claimant was not provided with a statement of initial employment particulars and the Second Respondents are ordered to pay to the Claimant the sum of £1,115.40.

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8. The Respondents have failed to inform and consult with the Claimant in accordance with their obligations under Regulation 13 of the TUPE Regulations 2006. The Second Respondents are ordered to pay compensation to the Claimant in the sum of £3,625.05.
9. The hearing listed on 28, 29 and 30 October 2019 is cancelled.

Employment Judge Hutchinson

Date 29 October 2018

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

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