



EMPLOYMENT TRIBUNALS

Claimants: Mr A Jackson
Mr J Lee

Respondent 1: Robinsons M&E Limited (in administration)
Respondent 2: Robinsons MEA Limited

HELD by CVP in Sheffield **ON:** 18, 19 and 20 January 2021 and
25 February 2021

BEFORE: Employment Judge Little

REPRESENTATION

Claimant: Ms N Alistari of Counsel (instructed by Harrington Law)
Respondent 1: No attendance or appearance
Respondent 2: Mr E Chibaka, Director

JUDGMENT

My Judgment is that:-

1. The complaints of each claimant in respect of holiday pay are dismissed on withdrawal.
2. Both claimants were at all material times employees of the first respondent and each had sufficient qualifying employment to bring complaints of unfair dismissal.
3. There was a relevant transfer of the undertaking of the first respondent to the second respondent on 15 August 2019.
4. The claim being stayed as against the first respondent, the complaints of automatically unfair dismissal pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 fail because neither the sole nor the principal reason for the claimant's dismissals by the first respondent was the transfer.

5. Whatever the merits of the complaint of wrongful dismissal, the second respondent cannot have potential liability for it.

Employment Judge Little
Date 3rd March 2021