



EMPLOYMENT TRIBUNALS

Claimants:

- (1) Mr G Krason
- (2) Mr Robert Chyrc
- (3) Mr Deividas Samauskas
- (4) Mr Andrew Sadler
- (5) Mrs Natalie Mallard
- (6) Mr Adrian Andrews
- (7) Mr Wilford Jones
- (8) Mr Neil Packman
- (9) Mr Guntis Stepans
- (10) Mr Andrew Collins

Respondent: RSM Castings Limited (in voluntary liquidation)

Heard at: Cambridge

On: 25-29 November 2024

Before: Employment Judge L Brown

Members: Ms Gunnell and Ms Clarke

REPRESENTATION:

Claimants: In person - by lead claimant Mr Andrew Sadler

Respondent: Mr Maini-Thompson (Counsel)

JUDGMENT

The judgment of the Tribunal is as follows:

Notice Pay

1. The complaint of breach of contract in relation to notice pay for the Claimants detailed below is well-founded.
2. The respondent shall pay the following Claimants the following as damages for breach of contract:-
 - 2.1 Andrew Sadler **£2898.00** as damages for breach of contract. This figure has been calculated using gross pay.
 - 2.2 Adrian Andrews **£366.00** as damages for breach of contract. This figure has been calculated using gross pay.
 - 2.3 Neil Packman **£1,148.00** as damages for breach of contract. This figure has been calculated using gross pay.
 - 2.4 Natalie Mallard £510.00 as damages for breach of contract. This figure has been calculated using gross pay.

Holiday Pay

3. The complaint in respect of holiday pay is well-founded. The respondent made an unauthorised deduction from the claimant's wages by failing to pay the claimants for holidays accrued but not taken on the date the claimant's employment ended.
4. The respondent shall pay the following Claimants the following gross sums and the Claimants are responsible for paying any tax or National Insurance:-
 - 4.1 Andrew Sadler the sum of **£172.20**.
 - 4.2 Adrian Andrews the sum of **£70.47**.
 - 4.3 Neil Packman the sum of **£51.50**.

Unfair Dismissal

5. The complaints of unfair dismissal are well-founded. The following claimants were unfairly dismissed.
6. There is a **100** % chance that the claimants would have been fairly dismissed in any event.
7. The respondent shall pay the claimant the following sums:
 - (a) A basic award of **£00.00** as the Claimants have received payments for redundancy pay from the Secretary of State which cancels out any basic award.
 - (b) A compensatory award paid on a net basis as follows to the following Claimants:-
 - (i) Andrew Sadler - **£726.50.**
 - (ii) Neil Packman - **£524.05.**
 - (iii) Natalie Mallard - **£445.64.**
 - (iv) Deivdas Samaskuas - **£428.65.**

Protective Awards

8. The complaint under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULCRA) is well founded and succeeds.
9. The Respondent is ordered to pay a protective award to the following Claimants who were dismissed as redundant;
 - 9.1 Andrew Sadler
 - 9.2 Neil Packman
 - 9.3 Natalie Mallard
 - 9.4 Adrian Andrews
 - 9.5 Wilfred Jones

- 9.6 Robert Chyrc
- 9.7 Andrew Collins
- 9.8 Deivdas Samaskuas
- 9.9 Gregorz Krason
- 9.10 Guntis Stepans

10. The protective period begins on 23 November 2022 and was for a period of 90 days. The reference period for which the award should be made in relation to the Claimant is a period of 90 days;

11. The Respondent is ordered to pay to the following Claimants gross pay in the following amounts:-

- 11.1 Andrew Sadler - **£16,479.00**
- 11.2 Neil Packman - **£11,408.40**
- 11.3 Natalie Mallard - **£11,809.80**
- 11.4 Adrian Andrews - **£11,944.80**
- 11.5 Wilfred Jones - **£14,706.90**
- 11.6 Robert Chyrc - **£11,648.70**
- 11.7 Andrew Collins - **£10,244.70**
- 11.8 Deivdas Samaskuas - **£9,023.40**
- 11.9 Gregorz Krason - **£10,200.60**
- 11.10 Guntis Stepans - **£12,534.30**

12. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 do not apply to this Judgment.

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Employment Judge L Brown
8 December 2024

Judgment sent to the parties on:

..... 16 December 2024.....

For the Tribunal:

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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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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>