



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Webster

**Respondents:** TWS (Selby) Limited (1)  
I Scaffold Ltd (in voluntary liquidation)

**Heard at:** Leeds                      **On:** 28 July 2017

**Before:**  
Employment Judge JM Wade

## Representation

Claimant: In person  
First Respondent: Mr Grindley (Managing Director)  
Second Respondent: No appearance (or response)

# JUDGMENT

- 1 The claimant was an employee of the second respondent from 31 August 2015 until 13 January 2017.
- 2 Deductions of PAYE tax and employee national insurance were made from his salary but were not paid to the inland revenue by the second respondent.
- 3 He was not provided with pay slips.
- 4 A relevant transfer within the Transfer of Undertakings (Protection of Employment) Regulations 2006 of the “service provision change” type took place on or around 25 January 2017 of scaffolding activities necessary for the first respondent’s business.
- 5 The claimant was part of an organised grouping of employees which had as its principal purpose the carrying out of those activities both before and after the transfer.
- 6 The claimant would have been employed by the second respondent immediately before that transfer had he not been dismissed, the principal reason for that dismissal being the transfer.
- 7 All rights and liabilities in connection with that contract of employment therefore transferred to the first respondent on the date of the transfer.
- 8 At the date of his dismissal there was owing to the claimant the sum of £3019.15, made up of seven weeks’ statutory sick pay (£619.45), one week’s net pay in damages in respect of wrongful dismissal (£480), and four weeks’ net pay in respect of untaken holidays (£1920).
- 9 On account of those sums (by way of “sub” from Mr Davison of the first

- and second respondents) the claimant has received £700.
- 10 The claimant's complaints therefore succeed and the first respondent shall pay to the claimant the sum of £2319.15.

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Employment Judge JM Wade

Date 28 July 2017

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.