



# **EMPLOYMENT TRIBUNALS**

**Claimant:** Mrs J. Siddall

**Respondent:** Ellesmere Optical Ltd. (R1)  
Skilbeck & Jones Opticians Ltd (R2)

**BEFORE:** Employment Judge T. Vincent Ryan

## **REPRESENTATION:**

### **Claimant:** Litigant in Person

**Respondent:** Mrs. E. Swan, Solicitor

# JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's contract of employment was not transferred from either respondent to HO2 Management Ltd, trading as Hakim Group, by virtue of a transfer under the Transfer of Undertakings (Protection of Employment) Regulations 2006 or otherwise; the claimant's claim that the respondents failed to consult her in respect of a relevant transfer fails and is dismissed;
  2. The claimant resigned from her employment with both respondents on 2 May 2018. She was not dismissed. The claimant's claim that she was constructively unfairly dismissed fails and is dismissed;
  3. The respondents failed to pay to the claimant holiday pay due to her in respect of holidays taken by her in December 2017 (on dates to be confirmed by the parties). All other of the claimant's claims that the respondents failed to pay her holiday pay that was due were presented to the tribunal out of time in circumstances when it would have been reasonably practicable for the claimant to have presented them in time; therefore, the tribunal does not have jurisdiction; in any event the claimant has not proved entitlement to the holiday pay claimed;
  4. The respondents each failed to provide the claimant with a written statement of employment particulars;

5. The appropriate remedy in respect of the judgments at paragraphs 3 and 4 above shall be determined at a remedy hearing at the Liverpool Employment Tribunal on 21 October 2019 commencing at 10 AM or as soon thereafter as practicably possible.

Employment Judge T.V. Ryan

Date: 24.07.19

JUDGMENT SENT TO THE PARTIES ON  
9 August 2019

FOR THE TRIBUNAL OFFICE

Note

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 (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.