



EMPLOYMENT TRIBUNALS

Claimant: Mr C Powley & Others (see schedule)

Respondent: Hall Construction Group Limited (in administration)

JUDGMENT

- 1) The Respondent has failed to comply with the provisions of section 188 of the Trade Union & Labour Relations (Consolidation) Act 1992 by not electing or consulting with appropriate employee representatives.
- 2) The Claimants are each entitled to a protective award for a period of 90 days beginning on 10th January 2017.
- 3) The Respondent is under a duty to provide the required information to the Secretary of State under regulation 5 (2) (6) of the Employment Protection (Recoupment of Benefits) Regulations 1996 and in respect of any remuneration to which they are entitled under this protective award payment is stayed pursuant to regulations 7 and 8.

REASONS

1. It is clear from the written representations of both parties that there was no consultation.
2. Although the administrators acted promptly on 13th January 2017 in submitting the HR1 form and in issuing notices of redundancy these actions merely confirmed the earlier actions of the Respondent taken without any consultation.
3. It is therefore just and equitable to make the awards for the maximum 90 day period.

Employment Judge Lancaster

Date: 18 July 2017

Schedule

1800530/2017 Mr A Kemp
1800531/2017 Mr R Witty
1800532/2017 Mr P Temperton
1800533/2017 Mr P Pullen
1800534/2017 Mr R Swaby
1800535/2017 Mr D Waudby
1800536/2017 Mr P Livingstone

1800537/2017 Mr P Wadby
1800538/2017 Mr D Clabby