



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R Young and 14 others

**Respondent:** Hirst, Kidd & Rennie Ltd (in Administration)

**HELD AT:** Manchester

**ON:** 22 February 2018

**BEFORE:** Employment Judge Batten

## REPRESENTATION:

**Claimant:** Mr N Todd, Solicitor

**Respondent:** No attendance

## JUDGMENT

The judgment of the Tribunal is that:

1. The respondent is ordered to pay to each of the claimants listed on the attached schedule remuneration as a protective award, for the protected period beginning on 31 August 2017 and continuing for 90 days.
2. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to the protective award.

## REASONS

1. The Tribunal was provided with evidence given on oath in a helpful witness statement from one of the claimants, Mr Anthony Miller, and a bundle of documents prepared by the claimants' solicitor who also tendered a skeleton argument.

2. The Tribunal noted the contents of the ET3, to the effect that the respondent had experienced trading difficulties at its establishment in Oldham, Lancashire, for approximately 12 months. The respondent had not warned or consulted with any of its employees about its difficulties, despite its duties under section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992.
3. On 31 August 2017, 38 of the respondent's employees were made redundant without notice and with immediate effect. The remaining employees were made redundant within the next 3 weeks.
4. There was no recognised trade union or employee representative(s).
5. There was no consultation about the dismissals.

**Conclusions**

6. The respondent wholly failed to comply with the requirements of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 when it dismissed the claimants as redundant.
7. The claimants listed on the attached schedule are entitled to a protective award for the respondent's default.
8. Having regard to the seriousness of the employer's default, the Tribunal considered that it is just and equitable in all the circumstances for the protective award to be for 90 days.

Employment Judge Batten  
22 February 2018

## ***Multiple Schedule***

Case Number Case Name

2405412/2017 Mr Robert Young -v- Hirst, Kidd & Rennie Ltd (In Administration)  
2405441/2017 Mrs Maria Whitehead -v- Hirst, Kidd & Rennie Ltd (In Administration)  
2420566/2017 Mr Andrew Whitehead -v- Hirst, Kidd & Rennie Ltd (In Administration)  
2420635/2017 Mrs Shirley Brown -v- Hirst, Kidd & Rennie Ltd (In Administration)  
2420893/2017 Mr Simon Smedley -v- Hirst, Kidd & Rennie Ltd (In Administration)  
2421175/2017 Mr Darren Robinson -v- Hirst, Kidd & Rennie Limited In Administration  
2421176/2017 Ms Gillian Potts -v- Hirst, Kidd & Rennie Limited In Administration  
2421177/2017 Ms Karen Doherty -v- Hirst, Kidd & Rennie Limited In Administration  
2421178/2017 Ms Shirley Brown -v- Hirst, Kidd & Rennie Limited In Administration  
2421179/2017 Mr Stephen Paul Genty -v- Hirst, Kidd & Rennie Limited In Administration  
2421180/2017 Mr Anthony Miller -v- Hirst, Kidd & Rennie Limited In Administration  
2421181/2017 Mr Richard Hooton -v- Hirst, Kidd & Rennie Limited In Administration  
2421182/2017 Mr Iram Ramzan -v- Hirst, Kidd & Rennie Limited In Administration  
2421183/2017 Ms Beatriz Ayala -v- Hirst, Kidd & Rennie Limited In Administration  
2421184/2017 Ms Lucy Williams -v- Hirst, Kidd & Rennie Limited In Administration