

Case Nos: 2405351/2017
2405352/2017
2405323/2017
2405324/2017
2405325/2017
2405326/2017
2405327/2017



EMPLOYMENT TRIBUNALS

Claimants: Unite the Union
Mr S Cronin
Mr R Cottrell
Miss S Coles
Mrs L Wickham
Mr D Buckingham
Mrs J Boothby

Respondents: Wheatons Exeter Limited (in Administration) (1)
Secretary of State for Business, Energy and
Industrial Strategy (2)

Heard at: Bristol

On: 16 April 2018

Before: Employment Judge C H O'Rourke

Representation
Claimants: Mr A Griffiths - Counsel
Respondents: Not in attendance – written representations only

JUDGMENT

1. The affected employees are the individual Claimants and those employees of the First Respondent who are within the bargaining unit covered by the collective agreement between the First Respondent and Unite the Union and who, following the First Respondent entering into Administration, were proposed to be dismissed by reason of redundancy and in respect of whom there was insufficient consultation (and were all in fact dismissed) for the purposes of s.195 Trade Union and Labour Relations (Consolidation) Act 1992, by the First Respondent, on or after 16 May 2017.

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2. A protective award of 90 days is hereby made in favour of all affected employees in the bargaining unit of the First Respondent, covered by the recognised trade union Unite the Union, who were dismissed by the First Respondent on or after 16 May 2017 and within 90 days of that date.
3. A protective award of 90 days is hereby made in favour of all affected employees who are individual claimants in these proceedings (and who are not already covered by the protective award made in paragraph 2 above) and who were dismissed by the First Respondent on or after 16 May 2017 and within 90 days of that date.
4. Unite the Union are invited to confirm to the Second Respondent the names of the employees who are represented by them.
5. If any party to these proceedings, to include the First Respondent, are of the opinion that there may be employees who are not union members, but who fall within the same category of employee as the union members, that party is also invited to provide a list of those employees to the Second Respondent.

Employment Judge O'Rourke

Date: 16 April 2018

ORDER SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE