



EMPLOYMENT TRIBUNALS

Claimants: Mrs I Akelaite and others (see attached Schedule)

Respondents:

1. Russell Hume Limited (in administration)
2. The Secretary of State for Business, Energy and Industrial Strategy

HELD AT: Liverpool **ON:** 5 October 2018

BEFORE: Employment Judge Horne

REPRESENTATION:

Claimants: Mr T Kenward, counsel

Respondent: Did not attend and were not represented

JUDGMENT

1. The first respondent failed to comply with section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992.
2. The tribunal makes a protective award in respect of all the claimants.
3. The first respondent must pay remuneration to all the claimants for the period of 90 days beginning on 19 February 2018.
4. The first respondent is reminded of its obligations under regulation 6 of the Employment Protection (Recoupment of Benefits) Regulations 1996 to provide employee information to the Department for Work and Pensions. The tribunal also reminds the first respondent of the effect of regulation 7 of those regulations, namely that the protective award is stayed until the Department serves a recoupment notice or indicates that no such notice is to be served. By regulation 8, the first respondent will be under a duty to make payments to

**Case No. 2410949/2018 and others
(see attached Schedule)**

the Department of the amounts set out in the recoupment notice. The first respondent should consult the regulations themselves for their full meaning.

Employment Judge Horne

5 October 2018

SENT TO THE PARTIES ON

30th October 2018

FOR THE TRIBUNAL OFFICE

Note – Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date on which this judgment was sent to the parties. If written reasons are provided, they will be displayed on the tribunal's website.

Schedule

2410949/2018	Mrs I Akelaite
2410950/2018	Mr S Abramovs
2410951/2018	Mrs J Abramova
2410952/2018	Mrs I Akelaite
2410953/2018	Mr R Aurila
2410954/2018	Mrs A Auriliene
2410955/2018	Mr N Bakucionis
2410956/2018	Mr T Bardisauskas
2410957/2018	Mr K Barzdaitis
2410958/2018	Mrs S Bakucioniene
2410959/2018	Mr K Bruzas
2410960/2018	Mrs R Burzminskiene
2410961/2018	Mr S Cepelev
2410962/2018	Mrs L Cesnuleviciene
2410963/2018	Mr M Deltuva
2410964/2018	Mr A Derevianskis
2410965/2018	Ms L Dmitrijevaite
2410966/2018	Mrs K Drublioniene
2410967/2018	Mr D Drublionis
2410968/2018	Ms B Dzeveckiene
2410969/2018	Mr J Furmanis
2410970/2018	Mr R Gelazauskas
2410971/2018	Mrs V Gelazauskiene
2410972/2018	Mr D Gilys
2410973/2018	Mr RE Girnis
2410974/2018	Mrs D Glovacke
2410975/2018	Mr G Grybas
2410976/2018	Mr J Januska
2410977/2018	Mrs M Januskiene
2410978/2018	Mr S Jocys
2410979/2018	Mr R Juknevicus
2410980/2018	Ms G Kiezaite
2410981/2018	Ms E Kliauzer
2410982/2018	Mr D Koriogin

**Case No. 2410949/2018 and others
(see attached Schedule)**

2410983/2018	Mrs R Korioginiene
2410984/2018	Mrs G Kromane
2410985/2018	Mrs J Maclune
2410986/2018	Mr J Montvilas
2410987/2018	Mr R Okolovic
2410988/2018	Mrs L Pagojiene
2410989/2018	Mr T Perstukas
2410990/2018	Ms D Pilipaviciene
2410991/2018	Ms R Pruseviciute
2410992/2018	Mr A Rabcevicius
2410993/2018	Mr G Rabcevicius
2410994/2018	Mr A Raizys
2410995/2018	Miss G Raizyte
2410996/2018	Ms V Ribikauskiene
2410997/2018	Ms V Rimsane
2410998/2018	Mr K Saripo
2410999/2018	Mrs A Saveljeva
2411000/2018	Mr L Saveljevs
2411001/2018	Mr V Sniurevicius
2411002/2018	Mr S Soldatov
2411003/2018	Mrs J Straksiene
2411004/2018	Mr A Strupulis
2411005/2018	Mrs A Vaiciuniene
2411006/2018	Mrs M Vaiciuniene
2411007/2018	Mr E Varnas
2411008/2018	Ms L Vaschenkova
2411009/2018	Ms K Vasiliauskaite
2411010/2018	Ms L Vrubliauskaite
2411011/2018	Ms R Zvirbliene



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2410949/2018**

Name of **Mrs I Akelaite and v** **Russell Hume Limited -**
case(s): **others** **In Administration**
& Others

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **30th October 2018**

"the calculation day" is: **31st October 2018**

"the stipulated rate of interest" is: **8%**

MR J HANSON
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.

Claimant: Mrs I Akelaite and others

Respondent: Russell Hume Limited - In Administration & Others

**ANNEX TO THE JUDGMENT
(PROTECTIVE AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The respondent is under a duty to give the Secretary of State the following information in writing: (a) the name, address and National Insurance number of every employee to whom the protective award relates; and (b) the date of termination (or proposed termination) of the employment of each such employee.

That information shall be given within 10 days, commencing on the day on which the Tribunal announced its judgment at the hearing. If the Tribunal did not announce its judgment at the hearing, the information shall be given within the period of 10 days, commencing on the day on which the relevant judgment was sent to the parties. In any case in which it is not reasonably practicable for the respondent to do so within those times, then the information shall be given as soon as reasonably practicable thereafter.

No part of the remuneration due to an employee under the protective award is payable until either (a) the Secretary of State has served a notice (called a Recoupment Notice) on the respondent to pay the whole or part thereof to the Secretary of State or (b) the Secretary of State has notified the respondent in writing that no such notice is to be served.

This is without prejudice to the right of an employee to present a complaint to an Employment Tribunal of the employer's failure to pay remuneration under a protective award.

If the Secretary of State has served a Recoupment Notice on the respondent, the sum claimed in the Recoupment Notice in relation to each employee will be whichever is the less of:

- (a) the amount (less any tax or social security contributions which fall to be deducted the refrom by the employer) accrued due to the employee in respect of so much of the protected period as falls before the date on which the Secretary of State receives from the employer the information referred to above; OR

- (b) (i) the amount paid by way of or paid as on account of jobseeker's allowance, income-related employment and support allowance or income support to the employee for any period which coincides with any part of the protected period falling before the date described in (a) above; or
- (ii) in the case of an employee entitled to an award of universal credit for any period ("the UC period") which coincides with any part of the period to which the prescribed element is attributable, any amount paid by way of or on account of universal credit for the UC period that would not have been paid if the person's earned income for that period was the same as immediately before the period to which the prescribed element is attributable.

The sum claimed in the Recoupment Notice will be payable forthwith to the Secretary of State. The balance of the remuneration under the protective award is then payable to the employee, subject to the deduction of any tax or social security contributions.

A Recoupment Notice must be served within the period of 21 days after the Secretary of State has received from the respondent the above-mentioned information required to be given by the respondent to the Secretary of State or as soon as practicable thereafter.

After paying the balance of the remuneration (less tax and social security contributions) to the employee, the respondent will not be further liable to the employee. However, the sum claimed in a Recoupment Notice is due from the respondent as a debt to the Secretary of State, whatever may have been paid to the employee, and regardless of any dispute between the employee and the Secretary of State as to the amount specified in the Recoupment Notice.