



THE EMPLOYMENT TRIBUNALS

Claimant
Mr M Willis

Respondent
Newline Polymers Ltd

EMPLOYMENT JUDGE GARNON

MADE AT NORTH SHIELDS

ON 12th March 2018

JUDGMENT (Liability and Remedy)
Employment Tribunals Rules of Procedure 2013 –Rule 21

I make a protective award that the respondent pay to the claimant remuneration for the protected period from the date of dismissal , being 25th May 2017 , for a period of 90 days to the to 23rd August 2017

REASONS

1. Sections 188 (1) and (1A) of the Trade Union and Labour Relations (Consolidation) Act 1992 as amended(the Act) provides that where an employer is proposing to dismiss as redundant 20 or more employees at one establishment within a period of 90 days or less, the employer shall consult about the dismissals all the persons who are appropriate representatives of any of the employees who may be affected by the proposed dismissals or by measures taken in connection with those dismissals.

2 Section 189 , so far as material ,says where an employer has failed to comply with a requirement of section 188 and there was no recognised union ,elected or other representatives a complaint may be presented to an employment tribunal by any of the affected employees or by any of the employees who have been dismissed as redundant. Such claimants cannot bring claims on behalf of others so dismissed

3. If the tribunal finds the complaint well-founded it shall make a declaration to that effect and may make a protective award. In the absence of reasons to make one for a shorter period , Susie Radin Ltd-v-GMB held the award should be for 90 days

4. I issued a judgment in the claimant's favour under rule 21 of the Employment Tribunals Rules of Procedure 2013 on all claims other than that for a protective award, on 27th October 2017 . I could not issue a rule 21 judgment on the claim under the Act until I had confirmation there was no recognised union, no elected or other representatives and more than 20 were dismissed at one establishment. That confirmation has now been provided.

TM Garnon Employment Judge

Date signed 12th March 2018.