



EMPLOYMENT TRIBUNALS

Claimant: G Tynemouth and others

Respondent: Lagan Construction Group

Heard at: Newcastle Upon Tyne **On:** 30 July 2018

Before: Employment Judge O'Dempsey

Representation:

Claimant: Ord, Roseby, Gallagher and Galligan (self representing), others did not attend.

Respondent: No attendance;

Secretary of State: written representations, no attendance.

JUDGMENT

1. The complaint that the respondent failed to comply with the requirements of section 188 and or 188A Trade Union and Labour. Relations (Consolidation) Act 1992 is well founded in the cases:
2500646/2018, 2500651/2018, 2500663/2018, 2500666/2018, 2500672/2018, 2500675/2018, 2500742/2018, 2500820/2018, 2501013/2018.
2. I make a protective award in respect of the employees of the respondent dismissed on 8th March 2018 from the respondent's A19 site. This is the description to which the award relates.
3. The respondent is ordered to pay remuneration calculated in accordance with section 190 of the Trade Union and Labour Relations (Consolidation) Act 1992 for the protected period to the individual claimant in each case.
4. The protected period is from 8 March 2018 to 6th June 2018 (being 90 days).
5. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply. Regulation 6 imposes on the respondent a duty to provide information to the Secretary of State. Regulation 7 postpones this award in order to enable the Secretary of State to service a recoupment notice under Regulation 8. The full effect of Regulations 6,7, and 8 is set out in the Annexe to this Judgment.
6. In the following cases the complaint that the respondent failed to comply with the requirements of sections 188 and or 188A Trade Union and Labour. Relations

Case No: 2500639/2018 and others

(Consolidation) Act 1992 is not well founded: 2500639/2018, 2501001/2018, 2501018/2018, 2501083/2018, 2501266/2018.

7. In respect of the following claims relating to redundancy payments, pay in lieu of notice and or arrears of wages or expenses, I make the following direction:
 1. The claims are stayed.
 2. Unless, on or before 4pm on 31 October 2018, the claimant writes to the tribunal and other parties stating that he or she wishes the stay to be lifted and the claim(s) to be listed for a hearing to determine these claim, the claims are dismissed.

8. The claimants affected by this direction are in case numbers:
 - 2500646/2018
 - 2501018/2018
 - 2501266/2018

9. Finally case number 2500679/2018 is accepted by the claimant to be a duplicate of case number 2500672. It is accordingly dismissed without prejudice to the rights of the claimant to pursue the claims under 2500672.

Employment Judge O'Dempsey

Date 17 August 2018

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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