



EMPLOYMENT TRIBUNALS

BETWEEN

CLAIMANTS

**(1) MAURICE HAWKINS
(2) GARETH DAVIES**

RESPONDENT

**(1) SOUTH WALES
WOOD RECYCLING LTD
IN VOLUNTARY LIQUIDATION
(2) BRIDGEND BIOMASS
PRODUCTS LIMITED**

HELD AT: CARDIFF

EMPLOYMENT JUDGE: MR W BEARD

5 APRIL 2019

JUDGMENT

1. The claims against the second respondent are dismissed upon withdrawal by the claimants.
2. The claims of unfair dismissal, wrongful dismissal and unlawful deduction from wages against the first respondent are dismissed upon withdrawal by the claimants.
3. The first respondent having provided no response to the claimant's claims and there being sufficient material before me to enable a proper determination to be made, I uphold the claimants' remaining claim.
4. For the purposes of Section 189(2) of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULRCA), I find that, in breach of Section 188A TULCRA, the respondent failed to comply with its duty to consult about proposed dismissals by reason of redundancy.
2. The remedies under Section 189(1)(c) TULRCA are as follows:
 - 2.1 I make a declaration that the claimants complaints are well founded.
 - 2.2 I make a protective award.
3. For the purposes of Section 189(3) TULRCA, the former employees of the first respondent covered by the protective award are all those employed and dismissed on or after 24 August 2018.

5. For the purposes of Section 189(4) TULRCA, the protected period began on 24 August 2018. I consider it just and equitable, having regard to the seriousness of the respondent's failure to comply with Section 188 TULRCA, for it to last 90 days.
6. The recoupment provisions pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award.

Employment Judge Beard
Dated: 24 May 2019

Order sent to Parties on
24 May 2019