



EMPLOYMENT TRIBUNALS

Claimants: (1) British Airline Pilots Association
(2) Mr James Campbell
(3) Mr Andrew Gillon
(4) Mr James Hall
(5) Mr Philip Neale

Respondents: (1) British Midland Regional Ltd t/a Flybmi – In
Administration
(2) Secretary of State for Business Energy and Industrial
Strategy

Heard at: Bristol **On:** 17 October 2019

Before: Employment Judge Mulvaney
Mr H Launder
Mr C Williams

Representation

Claimant 1: Mr Brittenden, Counsel
Claimants 2 - 5: Mr Renton, Prospect
Respondent 1: Did not attend and was not represented
Respondent 2: Did not attend, written representations submitted

JUDGMENT

1. The first respondent has failed to comply with a requirement of s188 of the Trade Union and Labour Relations (Consolidation) Act 1992.

2. The claims for a protective award succeed.

3. A protective award is made and the first respondent is ordered to pay:

3.1 To those employees of the respondent who are members of the British Airline Pilots Association (the first claimant), and who were employed by the first respondent at the relevant time at its establishments in Aberdeen, Bristol and Chester; and

3.2 To the second, third, fourth and fifth claimants;

Remuneration for a protected period of 90 days from the 18 February 2019.

4. The liability of the second respondent to pay the award made is limited under s184(1)(a) and s184(2)(d) Employment Rights Act 1996.

Employment Judge Mulvaney
18 October 2019

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.