



EMPLOYMENT TRIBUNALS

Claimants: Mr D Cook and others (see Schedule)
Respondent: (1) YTM Group Limited (in administration)
(2) The Secretary of State for Business, Energy and Industrial Strategy

AT A HEARING

Heard at: Leeds **On:** 2nd December 2019
Before: Employment Judge Lancaster
Members: Mr Taj
Mr Downs

Representation

Claimants: Mr D Flood, counsel
Respondents: (1) No appearance entered and did not attend
(2) Did not attend but made written representations

JUDGMENT having been sent to the parties on 3 December 2019 and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided

WRITTEN REASONS

1. Where collective redundancies are contemplated at any establishment within a 90 day period the employer is under a duty to elect or consult with appropriate employee representatives, under section 188 of the Trade Union & Labour Relations (Consolidation) Act 1992.
2. We have heard unchallenged evidence, which we accept, that at both sites the First Respondent neither recognised a trade union nor had any already elected representative body of workers with which to consult. The individual Claimants are therefore the appropriate persons to bring these complaints.

Case: 1802175/2019 and others
(see Schedule)

3. We also accept that there was no consultation whatsoever prior to the redundancies, involving in total more than 20 employees at each site, being effected. In those circumstances the Claimants are entitled to the maximum 90 days protective award.
4. The first employee to be made redundant at the Castleford premises was Mr Miles, whom was "laid off" on 11th January. All other dismissals were effected on 14th February when the administrators came on site.

EMPLOYMENT JUDGE LANCASTER

DATE 16nd December 2019

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Case: 1802175/2019 and others
(see Schedule)

Case Number	Claimant Name
1802175/2019	Mr D Cook
1802176/2019	Mr D Cook
1802177/2019	Mr P Jones
1802178/2019	Mr J Penny
1802179/2019	Mr G Jones
1802180/2019	Mr T Johnson
1802181/2019	Mr C Smith
1802182/2019	Mr J Smith
1802183/2019	Ms N Rutter
1802184/2019	Mr M Clarkson
1802185/2019	Ms D Pawson
1802186/2019	Ms V Croft
1802187/2019	Mr P McLean
1802194/2019	Mr R Game
1802195/2019	Ms E Esteva
1802196/2019	Mr A Thornhill
1802197/2019	Mr W Beasley
Number of Cases	18