



Case Numbers: see attached
schedule

EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Respondent

Mrs L Quinn and others
(see attached schedule)

-v-

**Berck Limited (in Creditors'
Voluntary Liquidation)**

MERITS HEARING

Heard at: **Birmingham**

On: **21 January 2020**

Before: **Employment Judge Perry**

Appearances

For the Claimant: **in person**

For the Respondent: **none**

ORDER

1. For the avoidance of doubt the additional duplicate claim of Mr Stuart Bakewell (1301282/2019) which previously appeared to have been consolidated with this multiple claim is hereby consolidated with the multiple. No issue arises on the basis that duplicates another claim made by Mr Bakewell.
2. Each of the claimant present having confirmed they have been paid any monies due by the National Insurance Fund in relation to their claims for wages, holiday pay, notice and redundancy pay, in the absence of objections being received within the next 14 days from any claimant, those complaints shall be treated as dismissed on withdrawal.

JUDGMENT

The judgment of the Tribunal is as follows:-

1. In this Judgment "the claimants" means those listed in the Schedule hereto.
2. The claimants were employed by the respondent and were among some 62 or so employees who were dismissed as redundant on 20 December 2019 whose place of work was the respondent's site at Pleasant Street, West Bromwich.
3. For those complaints that were not presented in time in my judgment it was not reasonably practicable for them to be presented in time and they were presented within a further reasonable period.
4. I declare that the complaints that the respondent failed to comply with the requirements of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 are well founded.
5. I make a protective award in respect of each of the claimants (for the claims not marked duplicate) and order the respondent to pay to each of the claimants' remuneration for the protected period of 90 days beginning on 20 December 2019.

Employment Judge Perry
28 January 2020



NOTE: the following statement is given under Regulation 5 (2) (b) of the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 ("the Regulations") and advises the respondent of its duties under regulation 6, and of the effect of Regulations 7 and 8, of the Regulations.

(1) The respondent is required to give to the Benefits Agency in writing:

(a) the name, address and National Insurance number of every employee to whom the above protective award relates; and

(b) the date of termination (or proposed termination) of the employment of each such employee.

(2) The respondent is required to comply with paragraph (1) above within the period of 10 days commencing on the date on which the judgment was announced at the hearing, or, if it was not so announced, the date on which the judgment was sent to the parties.

(3) No remuneration due to an employee under the protective award shall be paid to him until the Benefits Agency has (a) served on the respondent a notice ("a recoupment notice") to pay the whole or part of the award to the Benefits Agency or (b) informed the respondent in writing that no recoupment notice is to be served.

(4) The sum due to the Benefits Agency under a recoupment notice shall be the lesser of:

(i) the amount (less any tax or social security contributions which fall to be deducted by the respondent) accrued due to the employee in respect of so much of the protected period as falls before the date on which the Benefits Agency receives from the respondent the information mentioned at paragraph (1) above; and

(ii) the amount paid by way of, or as on account of, jobseeker's allowance or income support to the employee for any period which coincides with any part of the protected period falling before the date mentioned at (i) above.

(5) The sum due under the recoupment notice shall be paid forthwith to the Benefits Agency. The balance of the protective award shall then (subject to deduction of any tax or social security contributions) be paid to the employee.

(6) The Benefits Agency shall serve a recoupment notice within the period of 21 days after the date mentioned at paragraph 4 (ii) above, or as soon as practicable thereafter.

(7) Payment by the respondent to the employee of the balance of the protective award (subject to deduction of any tax or social security contributions) is a complete discharge of respondent in respect of any sum so paid.

(8) The sum claimed in a recoupment notice is due as a debt by the respondent to the Benefits Agency, whatever may have been paid to the employee and whether or not there is any dispute between the employee and the Benefits Agency as to the amount specified in the recoupment notice.



Case Numbers: see attached
schedule

THE SCHEDULE

| | |
|--------------|--------------------------------------|
| 1301200/2019 | Mrs Lisa Quinn |
| 1301248/2019 | Mr Raymond Jones |
| 1301249/2019 | Mrs Lisa Quinn (duplicate claim) |
| 1301259/2019 | Mr Mark Poole |
| 1301282/2019 | Mr Stuart Bakewell |
| 1301289/2019 | Mr Ray McGachie |
| 1301290/2019 | Mr Ray McGachie (duplicate claim) |
| 1301294/2019 | Mr Barry Wallace |
| 1301310/2019 | Mr Minesh Patel |
| 1301840/2019 | Mrs Alifa Waldron |
| 1301841/2019 | Mr Terence Griffin |
| 1301842/2019 | Mrs Michaela Guest |
| 1301843/2019 | Mrs Tracey Poole |
| 1301844/2019 | Mr John Poole |
| 1301845/2019 | Mr Paul Harwood |
| 1301846/2019 | Mrs Dawn Bate |
| 1301847/2019 | Mr Steve Bettridge |
| 1301848/2019 | Mr Neil Tolley |
| 1301849/2019 | Mr Christopher Morton |
| 1301850/2019 | Mrs Tracey Morton |
| 1301851/2019 | Mr Craig Atterbury |
| 1301852/2019 | Mr Pradeep Kumar |
| 1301853/2019 | Mr Ricki Power |
| 1301854/2019 | Mrs Alifa Waldron (duplicate claim) |
| 1301855/2019 | Mr Philip Franklin |
| 1301856/2019 | Mrs Wendy Franklin |
| 1301857/2019 | Mrs Gail Hopkins |
| 1301858/2019 | Mrs Mariana Bocea |
| 1301859/2019 | Ms Ann Smith |
| 1301860/2019 | Mr John Szum |
| 1301861/2019 | Mrs Tracy Bartlett |
| 1301862/2019 | Mrs Chetna Patel |
| 1301863/2019 | Mrs Valerie Clarke |
| 1301864/2019 | Mrs Kashmir Kaur |
| 1301865/2019 | Mr William Riley |
| 1301866/2019 | Mr Philip Allen |
| 1301867/2019 | Mr Ray McGachie (duplicate claim) |
| 1301868/2019 | Mr David Killarney |
| 1301869/2019 | Mr Stuart Bakewell (duplicate claim) |
| 1301870/2019 | Miss Laura Thornton |
| 1301871/2019 | Mrs Loretta James |
| 1302057/2019 | Mrs Loretta James (duplicate claim) |
| 1306075/2019 | Mrs Rita Stephen |