



# EMPLOYMENT TRIBUNALS

**Claimants:** Mrs Ann Pearce and others

**Respondent:** Walker Bros. Electrical Engineers Limited (In liquidation)

**Heard at:** Reading **On: 17 January 2020**

**Before:** Employment Judge Gumbiti-Zimuto

**Appearances**  
**For the Claimants:** Mrs Ann Pearce  
**For the Respondent:** Not attending and not represented

## JUDGMENT

1. It is declared that the Claimants' complaint that the Respondent has failed to comply with the requirements of section 188 of the Trade Union Labour Relations (Consolidation) Act 1992 is well founded.
2. The Tribunal makes a protective award in respect of the protected period as defined in section 189 (3) of the Trade Union Labour relations (Consolidation) Act 1992. The respondent is ordered to pay remuneration to the claimant for a period of 90 days.
3. The protective award relates to the employees of the respondent employed at Bridge View, Watlington Road, Cowley, Oxfordshire, OX4 6NF dismissed as redundant on 31 May 2018.

## REASONS

1. On the 31 May 2018 the respondent dismissed the claimants. The claimants were dismissed without notice and the respondent went into voluntary liquidation. The respondent had employed about 40 people based at its premises in Cowley, Oxfordshire. All of them were dismissed.
2. Mrs A Pearce, the first claimant, was employed as a secretary by the respondent. A few days before the 31 May 2018 she was told that she should prepare the final payroll for the 31 May 2018 and she was instructed not to say anything to any of the other employees.
3. On 31 May 2018 a representative of liquidators informed the claimants that they were being dismissed as redundant with immediate effect. There

was no notice. The claimants were given no warnings of pending dismissal. There was no consultation with the employees, any union or employee representatives.

4. Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 provides that where an employer is proposing to dismiss as redundant 20 or more employees at one establishment within a period of 90 days or less, the employer shall consult about the dismissals all the persons who are appropriate representatives of any of the employees who may be affected by the proposed dismissals or may be affected by measures taken in connection with those dismissals.
5. Where an employer has failed to comply with a requirement of section 188, a complaint may be presented to an employment tribunal on that ground by any of the affected employees or by any of the employees who have been dismissed as redundant. The claimants in this case were all dismissed as redundant. In this case I am satisfied that the claimants were dismissed in circumstances where the respondent failed to comply with the requirements of section 188.
6. If the tribunal finds the complaint well-founded it shall make a declaration to that effect and may also make a protective award.
7. The claimants, who were all employed by the respondent at Bridge View, Watlington Road, Cowley, Oxfordshire, OX4 6NF and dismissed as redundant on 31 May 2018, are entitled to a protective award within the meaning of section 189 (3) of the Trade Union and Labour Relations (Consolidation) Act 1992.
8. The respondent is ordered to pay remuneration to the said employees dismissed on 31 May 2018. The protected period is a period of 90 days beginning on 31 May 2018.
9. I make an award for a period of 90 days because there was a complete failure to carry out any consultation. This was a serious default. There has been no explanation offered by the respondent for why there was a failure to comply with the requirements of section 188. I take into account that the purpose of the protective award is to ensure that consultation takes place, in accordance with the requirements of s.188, by providing a sanction against non-compliance by the employer. I consider that it is just and equitable in the circumstances to make an award of 90 days.

**List of claimants:**

Mrs Ann Pearce

Mr Jack Bernasconi

Mrs Anita Crawford

Mr Peter Crerar

Mr Christopher Giles

Mr Joel Gill  
Mr Samuel Higgs  
Mr Gavin Jones  
Mr Davinder Chahal  
Mr Samuel Coote  
Mr Geoffrey Howard  
Mr Matthew Eley  
Mr Steven McMahon  
Mr Kenneth O'Brien  
Mr Adam Rouse  
Mr Gavin Wright  
Mr Joshua Nicholls  
Mr Thomas Nicholls  
Mr Neil Butler  
Mr Andrew Collier  
Mr Daniel Leggett  
Mr Michael O'Leary  
Mr Andrew Tappin  
Mr David Yeomans  
Mr Nathan Smith

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Employment Judge Gumbiti-Zimuto  
Date: 17 January 2020  
Sent to the parties on: .....30 January  
2020.....

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For the Tribunals Office

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