



EMPLOYMENT TRIBUNALS

Claimant

Mr P Conte

Respondent

v

1. Boon Building Services Limited
2. Secretary of State for Business, Energy and Industrial Strategy

Heard at: Watford

On: 6 March 2020

Before: Employment Judge Alliott

Appearances

For the Claimant: In person

For the Respondent: 1. Did not attend
2. Did not attend

JUDGMENT

1. The claimant's claim that the first respondent failed to consult about redundancy contrary to section 188 Trade Union & Labour Relations Act 1992 is well founded and the first respondent is ordered to pay him a protective award of £12,945.20.

REASONS

1. Neither respondent was present today. The first respondent is in administration and the administrator has consented to the proceedings continuing in a letter dated 25 June 2019. The second respondent has indicated in its response that it does not propose to be represented at the hearing.
2. Taking into account the reasons for the respondents' absence, I have decided to proceed with the hearing.
3. The first the claimant knew about his redundancy was on 5 April 2018 when he was dismissed with immediate effect. There was a total failure to comply to comply with the statutory obligations to consult set out in section 188 Trade Union and Labour Relations Act 1992.

4. The claimant's basic salary was £52,500 pa or £1,009 per week.
5. The claimant is eligible to bring this claim. There were no Trade Union representatives or elected representatives. There were over 20 employees dismissed as redundant at the same establishment, namely Swan Court, Staines. The claimant was dismissed as redundant.
6. There being a complete failure to consult, in my judgment, it is just and equitable to award a protective period of 90 days, beginning with 5 April 2018.
7. The protective award is £12,945.20 ($£52,500 \div 365 \times 90 = £12,945.50$).

Employment Judge Alliott

Date:09/03/2020

Sent to the parties on: 12/03/2020

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For the Tribunal Office