



# EMPLOYMENT TRIBUNALS

**Between:**

**Mr C Jenkins  
Mr J Rastrick  
Mr N Rowing  
Mr R Rickard**

**and**

**Canute Engineering Ltd  
(in Voluntary Liquidation)  
Canute Logistics Ltd  
(In Voluntary Liquidation)  
Canute Haulage Limited  
(In Voluntary Liquidation)**

**Claimants**

**Respondents**

**At a Reconsideration Hearing  
at the Employment Tribunal**

**Held at:** Nottingham

**On:** Thursday 26 March 2020

**Before:** Employment Judge Hutchinson (sitting alone)

**Representation**

**For the Claimants:** In person

**For Canute Haulage Group Ltd (in voluntary liquidation):**  
Solicitors – written representation

Addleshaw Goddard

**For the other Respondents;** No appearance

Upon application made by the Joint Liquidators of Canute Haulage Group Ltd (In voluntary liquidation) by letter dated 27 September 2019 to reconsider the judgment under rule 68 Employment Tribunals Rules of Procedure 2013 dated 6 September 2019 and sent to the parties on 13 September 2019.

## JUDGMENT

1. The judgment is varied as follows;

- 1.1 The complaints that the Respondent Canute Logistics Ltd (in voluntary liquidation) failed to comply with the requirements of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 are well founded. The complaints against the other respondents is dismissed on withdrawal by the claimants.
- 1.2 The Employment Judge makes a protective award in respect of the Claimants, who were all employees of Canute Logistics Ltd (In voluntary liquidation) at their premises at Elkesley Business Park, Elkesley, Retford, Nottinghamshire DN22 0QL and who were dismissed as redundant on or after 21 December 2018 and orders the Respondent, Canute Logistics Ltd, to pay to those employees' remuneration for a protected period of 90 days beginning on 21 December 2018.

## **REASONS**

### **Background to the original judgment**

1. At a hearing on 14 August 2019 with no parties present, I gave judgment to the Claimants against three Companies comprising;
  - Canute Engineering Ltd (In voluntary liquidation)
  - Canute Logistics Ltd (In voluntary liquidation)
  - Canute Haulage Ltd (In voluntary liquidation).
2. I gave reasons for my finding, including that;
  - 2.1 Mr Jenkins had been employed by Canute Engineering Ltd.
  - 2.2 That Mr Rickard and Mr Rastrick had been employed by Canute Logistics Ltd.
  - 2.3 That Mr Rowing had been employed by Canute Haulage Ltd.

### **The application for reconsideration**

3. By letter of 27 September 2019, Addleshaw Goddard, Solicitors for Canute Haulage Group Ltd (In liquidation) wrote to apply for a reconsideration of the judgment.
4. They pointed out that although one of the Respondents named was Canute Haulage Ltd, there was no such entity.
5. They went on to explain the background to their appointment as Administrators of Canute Haulage Group Ltd and pointed out various issues about the proceedings being dealt with without their knowledge.

6. They also referred to various factual inaccuracies in the reasons for the judgment, together with procedural defects. Their contention was that the assets of their client were sold to Almtone Ltd who they say became the employers of these four Claimants.
7. Since the application was made, I have contacted the Claimants and obtained from them copies of their payslips and other documents so that I can determine who they were employed by. I received from Mr Rickard correspondence from HM Revenue & Customs about his taxable income that he had received in the last six months of his employment from Canute Logistics Ltd.

### **My conclusion**

8. Having seen the payslips of the Claimants, together with the documents from HM Revenue & Customs, I am now satisfied that the four Claimants, who were all drivers, had all been employed at the time of their dismissal by Canute Logistics Ltd. I am satisfied that none of them had been employed by Canute Haulage Group Ltd at the time of their dismissal or any of the other Respondents in this case.
9. The other facts as I found in my judgment are correct. Canute Logistics Ltd was indeed part of the Canute Group and all these Claimants had been employed at the Elkesley Business Park as I described.
10. The Canute Group ceased operations on 21 December 2018 and more than 80 people were made redundant on the same date at that site. All the Claimants were drivers and they were all called into a meeting at 4 pm on Friday 21 December 2018 and told that they were redundant with immediate effect.
11. As I found before, none of them were paid at the time any notice pay or redundancy pay and these have had to be claimed from the Insolvency Service.
12. I am still satisfied that there was no trade union that was recognised and there were no elected representatives and without warning or any consultation whatsoever, the four Claimants were all dismissed on 21 December 2018.
13. I am satisfied still that their employer Canute Logistics Ltd (in voluntary liquidation) had complete disregard for its employees, many of whom had worked for the Company for a considerable period of time and that the award should be the maximum available, namely 90 days.
14. The compensation will still be subject to recoupment.

Case Nos: 2600209/19, 2600583/19, 2600552/19, 2600233/19

Employment Judge Hutchinson

Dated 3 April 2020

JUDGMENT SENT TO PARTIES

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FOR THE TRIBUNAL OFFICE