



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr A Green

v

**Bathstore.com Limited/Bathstore
Limited (In Administration)**

Heard at: Watford by telephone

On: 20 March 2020

Before: Employment Judge Alliot

Appearances

For the Claimant: In person

For the Respondent: Did not attend

JUDGMENT

1. The claimant's complaint that the respondent acted in breach of section 188 Trade Union & Labour Relations (Consolidation) Act 1992 in failing to consult about redundancy dismissal is well founded and the respondent is ordered to pay him a protective award of £12,329.10.

REASONS

The respondent's absence

1. The respondent is in administration. In an email sent on 13 March 2020 the joint Administrators stated that they were happy to consent to the proceedings but will not be defending them.
2. In the circumstances and taking into account why the respondent is not represented, I have decided to proceed with the hearing.
3. The claimant was dismissed by reason of redundancy on 27 June 2019.
4. The claimant's annual salary was £50,000.
5. There was no Trade Union recognised and no employee representatives elected. More than 20 employees were dismissed as redundant from the

respondent's establishment at Home House, 3 Albany Place, Hyde Way, Welwyn Garden City, Herts.

6. There was a complete failure by the respondent to comply with the section 188 TULR(c) Act 1992 duty to consult representatives.
7. The claimant has standing to bring this claim.
8. The protective period begins on 27 June 2019. In my judgment the employer's default was very serious and I determine that it is just and equitable for the protective period to be 90 days.
9. £50,000 salary ÷ 365 x 90 = £12,329.10
10. The claimant's claim is well founded and there will be judgment for £12,329.10

Employment Judge Alliott
Date: 21.04.2020
Sent to the parties on: 01.06.2020
..... J Moossavi
.....
For the Tribunal Office