



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr David MacDonald

**Respondent:** Sonetik UK Ltd (In voluntary liquidation)

## JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

**The respondent not having presented a response to the claims, and on the information before the Judge, the judgment of the Tribunal is that:**

1. The respondent failed to comply with its statutory collective consultation obligations under Section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 before proposed redundancy dismissals took effect at its establishment at Astra Business Centre, Building E, Unit 12, Roman Way, Preston PR2 5AP in respect of the whole workforce employed there and therefore the claim for failure to consult is well founded;
2. Under Sections 189(1)(d), (2), (3) and (4), the Tribunal makes a protective award in respect of the claimant and the respondent is ordered to pay remuneration to him for a protected period of 90 days beginning on 25 September 2019;
3. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply to the protective award;
4. The respondent has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the gross sum of **£3,616.93**.
5. The claimant was dismissed in breach of contract in respect of notice and the respondent is ordered to pay damages to the claimant in the sum of **£2,975**.
6. The respondent breached the claimant's contract by failing to pay the claimant in respect of expenses incurred and the respondent is ordered to pay damages to the claimant in the sum of **£285.32**.

7. On a full consideration of the file of proceedings it was possible to issue this Judgment under Rule 21 without a hearing. Code P under the case number reflects this;
8. The respondent is advised of the provisions of Regulation 5 of the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996, such that, within 10 days of the decision in these proceedings being promulgated or as soon as is reasonably practicable, the respondent must comply with the provisions of Regulation 6 of the 1996 Regulations and, in particular, must supply to the Secretary of State the following information in writing:
  - a. the name, address and national insurance number of the claimant; and
  - b. the date of termination of the employment of the claimant;
9. The respondent will not be required to make payment under the protective award made until it has received a recoupment notice from the Secretary of State or notification that the Secretary of State does not intend to serve a recoupment notice having regard to the provisions of Regulation 7(2). The Secretary of State must normally serve such recoupment notice or notification on the employer within 21 days of receipt of the required information from the first respondent.

Employment Judge Phil Allen

23 July 2020

JUDGMENT SENT TO THE PARTIES ON

3 August 2020

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE

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## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2414548/2019**

Name of case: **Mr D MacDonald** v **Sonetik UK Ltd**  
**(In Voluntary Liquidation)**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **3 August 2020**

"the calculation day" is: **4 August 2020**

"the stipulated rate of interest" is: **8%**

For the Employment Tribunal Office