



EMPLOYMENT TRIBUNALS

Claimants: Ms J Green
Respondent: Braitrim (UK) Limited (t/a Briaform Reuse Centre) In Voluntary Creditors' Liquidation

AT A HEARING

Heard at: Leeds by CVP video link **On:** 14th September 2020
Before: Employment Judge Lancaster

Representation

Claimant: Mr N Sharples, trade union representative
Respondent: Did not attend, as previously notified

This has been a remote which has been consented to by the parties. The form of remote hearing was CVP video platform (V). A face to face hearing was not held because it was not practicable and all issues could be determined in a remote hearing]. The documents that I was referred to were the pleadings, the case management order of Employment Judge Smith and is a witness statement from the Claimant which she confirmed on oath, and upon which I questioned her.

JUDGMENT

1. The complaint that the Respondent has failed to comply with the requirements of sections 188 and/or 188A of the Trade Union and Labour Relations (Consolidation) Act 1992 are well founded.
2. The Claimant is entitled to a protective award for a period of 90 days from 31st March 2020
3. The Employment Protection (Recoupment of Benefit) Regulations 1996 regulations 6 7 and 8 apply to this award.
4. The Respondent is accordingly advised of its duties under the Regulations and any award made will be postponed pending any service of a recoupment notice by the Secretary of State in respect of relevant benefits received by the Claimant in the prescribed period and only the balance of any remuneration due will then be payable directly to the Claimant.
5. All other claims arising from the dismissal, whether for a redundancy payment, breach of contract or arrears of wages/holiday pay are formally dismissed upon withdrawal.

EMPLOYMENT JUDGE LANCASTER

DATE 14th September 2020

Case: 1802604/2020 (V)