



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Adamowicz & others (see attached schedule)

**Respondent:** (1) Aperture Trading Limited (in administration)

(2) The Secretary of State for Business, Energy and Industrial Strategy

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

The first Respondent failed to submit a Response to the claims and the administrator has given consent for them to proceed.

On the information before me including submissions of behalf of the Claimants, witness statements (from Mr Swift, Mr McKendrick, Ms Cross and Ms H Smith) and the submissions made by the second Respondent

**The decision of the Employment Judge is:**

1. The Claimants worked at a single establishment at which there was no recognised trade union.
2. The first Respondent failed to organise the election of employee representatives and to consult with them in accordance with sections 188 and 188A of Trade Union and Labour Relations (Consolidation) Act 1992 (“TULRCA”).
3. Accordingly, the Claimants’ complaints pursuant to TULRCA section 189 are well founded and succeed.
4. The first Respondent is ordered to pay remuneration to each of the Claimants in the attached schedule for a protected period of 90 days beginning on 16 March 2020.
5. The Employment Protection (Recoupment of Jobseeker’s Allowance and Income Support) Regulations 1996 apply to these awards.
6. This judgment does not affect the Claimants’ remaining claims.

Employment Judge **Victoria Butler**

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Date: 12 January 2021

JUDGMENT SENT TO THE PARTIES ON

15 January 2021

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AND ENTERED IN THE REGISTER

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FOR THE TRIBUNAL OFFICE