



EMPLOYMENT TRIBUNALS

Claimants: Mr S Grady
Mr D Mather

Respondent 1: Bonds Heavy Castings Limited (in administration)

Respondent 2: Secretary of State for Business Energy and Industrial Strategy

HELD by CVP in Sheffield

ON: 22 February 2021

BEFORE: Employment Judge Little

REPRESENTATION

Claimants: In person

Respondent 1: No attendance or appearance (no response entered)

Respondent 2: No attendance but written representations

JUDGMENT

Mr Grady's complaint

1. I find that the complaint in which the claimant seeks a protective award is well founded in circumstances where the duty to consult under the provisions of the Trade Union and Labour Relations (Consolidation) Act 1992 section 188 was breached.
2. Accordingly I make a protective award in respect of the claimant who was dismissed as redundant.
3. The award is for a protected period of 90 days beginning on 27 December 2019.
4. The recoupment regulations do not apply.

Mr Mather's complaint

1. Whilst Mr Mather's claim was presented out of time I find that it was not reasonably practicable for the claim to be presented in time in circumstances where this claimant had hoped to join the multiple claim

brought by a union but, through a failure of communication was not able to do so. Further taking into account the extension to which the claimant is entitled to during ACAS conciliation, I find that the actual date of presentation, 21 August 2020, is a reasonable date for presentation.

2. The complaint is well founded.
3. The claimant having been dismissed as redundant is entitled to a protective award for the period of 90 days beginning on 27 December 2019.
4. The recoupment regulations do not apply.

Employment Judge Little

Date 3rd March 2021