



EMPLOYMENT TRIBUNALS

Claimants: Ms G Grimbley and Miss C Treacy

Respondent: STA Travel Limited (in Creditors Voluntary Liquidation)

Upon a reconsideration of the judgment sent to the parties on 13 January 2021 on the Tribunal's own initiative under rule 73 of the Employment Tribunals Rules of Procedure 2013, and without a hearing,

JUDGMENT

1. No response having been presented as per the claims the Respondent has failed to comply with the requirements of Section 188 Trade Union & Labour Relations (Consolidation) Act 1992 and therefore the Tribunal makes a declaration that there was a wholesale breach of the provisions of that section.
2. The Tribunal accordingly makes a protective award in respect of the Claimants who were both employed at the Leicester branch as at 2 September 2020 and whose employment terminated by reason of redundancy commencing on that day.
3. The protected period is a period of 90 days commencing on 2 September 2020.
4. The Employment Protection (Recoupment of Benefits) Regulations 1996 may apply to this award.

REASONS

1. Although there is no obligation to give reasons for a rule 21 judgment, I wanted very briefly to explain why I have decided to make a full 90 days protective award. The reason I have done this is that Susie Radin Ltd v GMB [1994] ICR 893 suggests a proper approach where, as here, there has been no consultation is to start with the maximum period of 90 days and reduce it only if there are mitigating circumstances justifying a reduction. No mitigating factors have been put forward by or on behalf of the First Respondent.
2. Second, it has also not sought to argue that all its salaried employees, and in particular those such as the Claimants working at its travel agency

branches, were not part of a single establishment so as to be entitled to a protective award.

Employment Judge P Britton

4 March 2021

JUDGMENT SENT TO THE PARTIES ON

5 March 2021

FOR THE TRIBUNAL OFFICE