



# EMPLOYMENT TRIBUNALS

**Claimant:** Unite the Union

**Respondent:** (1) Aviator MAN Ltd (in creditor's voluntary liquidation)  
(2) Secretary of State for Business, Energy and Industrial Strategy

## JUDGMENT

In circumstances where:

- (1) Under Rule 64 Employment Tribunal Rules of Procedure 2013 the claimant and first respondent consent to the disposal of the claim on the terms set out;
- (2) the second respondent is joined in the proceedings as statutory guarantor only;
- (3) the second respondent has been served with the claim, the first respondent's response and the proposed terms of disposal and has provided a response stating that it neither supports nor resists the claims.

The Judgment of the Employment Tribunal is:

1. It is declared that the first respondent failed in its duty to consult employee representatives under section 188 Trade Union & Labour Relations (Consolidation) Act 1992. The Tribunal makes a protective award in respect of all those employees dismissed as redundant on or after 22 October 2019 who were of a description in respect of which Unite the Union was recognised, including the attached list of affected employees, requiring the first respondent to pay remuneration to such employees for the protected period of 90 days beginning with 22 October 2019.
2. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award.
3. No order is made in respect of costs.

Note

The Tribunal has no power to order the second respondent to notify the affected employees of the protective award, but notes that arrangements have been agreed between the parties to that effect.

Employment Judge Dunlop

Date: 22 March 2021

JUDGMENT SENT TO THE PARTIES ON

26 March 2021

AND ENTERED IN THE REGISTER

FOR THE TRIBUNAL OFFICE

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

**SCHEDULE – LIST OF AFFECTED EMPLOYEES**

<b>Name</b>	<b>Category</b>	<b>Week's wage</b>
Steven Smith	Ramp	352.50
Daniel Toland	Ramp	433.13
Michael Davidson	Ramp	433.13
Mark Eckersall	Ramp	433.13
Darren Ashworth	PAX	344.96
Shabana Khalid	PAX	188.00
Steven Ratcliffe	Ramp	352.50
Rebecca Brown	PAX	176.80
Naima Chaudhry	PAX	165.20
Amanda Davies	PAX	186.20
Leah Dawson	PAX	396.75
Erica Evans	PAX	168.20
Philip Fahey	Ramp	433.13
Christina Fitzgerald	PAX	195.00
Sally Gowrie	PAX	238.28
Sarah Holliday	PAX	174.40
William Horan	PAX	184.20
Beatriz Kling	PAX	206.50
Kerry Livingston	PAX	375.00
Suzanne Brown	PAX	440.63
Daniel O'Kell	Ramp	433.13
Kay Pollit	PAX	375.00
Simon Sharpe	Ramp	433.13
Kevin Steel	Ramp	433.13
Barry Stopford	Ramp	433.13
Gregory Traynor	Ramp	433.13
Jade Ward	PAX	440.63
Fazal Miah	PAX	247.80
John Graham	Ramp	363.75
Stephen Hadfield	Ramp	418.13
Sean Keary	Ramp	363.75
John Messer	Ramp	433.13
Makisha Norris	PAX	200.00
Janet Parry	PAX	352.50
Armino Pereira	Ramp	352.50
Stephen Potter	Ramp	352.50
Antony Skeete	Ramp	363.75
Ian Mansfield	Ramp	282.00
Christine Aspinall	PAX	176.80
Lee Dixon	Ramp	282.00
Paige Dunne	PAX	352.50
Daniel Forster	Ramp	433.13
Michael Hayes	Ramp	282.00

Olivia Hibbert	PAX	176.80
Darren Newey	Ramp	418.13
Alec Pattinson	Ramp	346.50
Jack Shaw	PAX	280.00
Darren Sprysz	Ramp	282.00
Christopher Atere	PAX	176.80
Robert Craven	PAX	179.80
Luke Synnott	Ramp	352.50
Tauqeer Mahmood	PAX	344.96
Ian Rimmer	PAX	179.80
Miguel Nogiera Ramirez	PAX	280.00
Gihani Liyange	PAX	200.00
Rohan Beadle	Ramp	282.00
David Edwards	Ramp	282.00
Stuart McDonald	Ramp	282.00
Gareth Wardle	Ramp	363.75
Kamel Bahri	Ramp	282.00
Josh Hewitt	Ramp	352.50
Wade Mike	Ramp	352.50
Damien Clow	Ramp	352.50
Maxine Short	Admin	396.75
Juliet MacDonald	PAX	176.80
Danielle Rogers- Woodhead	PAX	179.80
James Dimmock	PAX	179.80
Linzi Cross	PAX	440.63
Natalie Morgan	PAX	179.80
Kei Yan Gillian Chan	PAX	176.80
Pauline Kitchen	PAX	176.80
Craig Massey	Ramp	418.13
James Baines	Ramp	334.50
Brett Jackson	Ramp	418.13
Richard Smith	Ramp	346.50
Natasha Kenyon	PAX	176.80
Daniel Wright	PAX	462.00
Masad Choudhury	Ramp	282.00
Thomas Adlard	Ramp	282.00
Rodney Baggott	Ramp	352.50
Aaron Johnson	Ramp	282.00
Adam Byrne	Ramp	363.75
Steven Dixon	Ramp	282.00
Kate Millington	PAX	462.00
Iqbal Bhagat	Ramp	282.00
Brian Jones	Ramp	282.00
Said Mohamed	Ramp	282.00
Matthew Cooper	Ramp	282.00
John Murray	Ramp	363.75
Nathan Hughes	Ramp	352.50
Joanne Castle	Admin	317.40

Raymond Price	PAX	280.00
Gary Derbyshire	PAX	331.50
Stephen Ackred	Ramp	282.00
Nicholas Artingstall	Ramp	282.00
Mohammed Khan	Ramp	352.50
Dale Sheridan	Ramp	418.13
Leslie Burrows	Ramp	282.00
Dennis Rowe	Ramp	282.00
Kieron O'Neill	Ramp	433.13
David Robson	Ramp	433.13
Benn Higginson	Ramp	418.13
Karen MacBride	PAX	176.80
Samuel Newman	PAX	280.00
Ryan Milne	Ramp	264.60
Kevin Burrows	Ramp	264.60
Liam Warner	Ramp	363.75
Paul Dutton	Ramp	433.13
Leslie Cook	Ramp	282.00
Jade Pugh	PAX	179.80
Kaileigh Fallon	PAX	179.80
Benn Webster	Ramp	291.00
Amreen Liaqat	Ramp	291.00
Richard Wilson	Ramp	264.60
Gareth Walker	Ramp	280.00
Simon Harrison	PAX	188.00
Runa Begum	PAX	176.80
Conor Dalton	Ramp	282.00
Liam Brown	Ramp	282.00
Declan Jones	Ramp	282.00
Aaron Liburd	Ramp	282.00
Lindsey Salt	PAX	188.00
Zara Zakira	PAX	176.80
leighton Brierley	Ramp	433.13
Paul Ryan	Ramp	291.00
Matthew Leeson	PAX	300.00
Lee Dudson	Ramp	282.00
Christian Phillips - Hackett	Ramp	282.00
Iram Khan	PAX	176.80
Lucas Rowland	Ramp	264.60
Peter McManus	Ramp	264.60
Simon Parrott	Ramp	264.60
Ian Duffy	Ramp	264.60
Connor Ashworth	Ramp	264.60
Robert Hart	Ramp	264.60
Fergus Davies	Ramp	264.60
Andrew Fitzpatrick	Ramp	282.00
Joseph Hulson	Ramp	264.60
Philip Tommins	Ramp	264.60

Joseph Zarb	Ramp	264.60
Lee Cullen	Ramp	264.60
Oliver White	Ramp	264.60
Adam Ashcroft	Ramp	264.60
Keiron Wilkinsin-Roodakoff	PAX	462.00
Paul Roue	PAX	179.80
Lauren Valente	PAX	165.20
Paula Nuttall	PAX	337.13
Snobar Finhas	PAX	165.20
Daniel McGowan	PAX	165.20
Ross Patterson	PAX	165.20
Benn Brown	PAX	280.00
Ryan Barnett	Ramp	264.60
Michelle Gladman	PAX	462.00
Taylor Smyth	Ramp	264.60
Yakub Adam	Ramp	264.60
James Jack	Ramp	264.60
Leslie Oliver	Ramp	264.60
Joshua Tomlinson	PAX	165.20
Tracy Bower	PAX	165.20
Gary Beswick	Ramp	291.00
Ronald Lees	Ramp	264.60
Jordan Rowland	Ramp	264.60
Wesley Wade	Ramp	264.60
Thomas Mason	Ramp	264.60
Mark Bartle	Ramp	264.60
Jake Collier	Ramp	264.60
Aaron Jeffreys	Ramp	264.60
Christopher henderson	Ramp	264.60
Christopher Keogh	Ramp	264.60
Jiya Asad	PAX	165.20
Usmaan Khalid	PAX	165.20
Adele Wild	PAX	165.20
Mark Wharton	Ramp	264.60
Summer Booth	PAX	280.00
Keatanbahi Patel	PAX	462.00
Jabed Miah	Ramp	264.60
Lee Elliott	Ramp	264.60
Mason Robbins	Ramp	264.60
Rodney Kuimba	PAX	280.00
Matthew Muncaster	PAX	247.80
Ayesha Khan	PAX	247.80
Mark Haddrell	PAX	247.80
Anthony Whittaker	Ramp	264.60
Jake Wright	PAX	300.00
Russell Geoffrey	Ramp	264.60
Mohammed Haji	PAX	247.80
John Cooper	Ramp	418.13

Caitlan-Leigh Denson-Davies	PAX	247.80
Joshua Kenyon	Ramp	264.60
Shafiq Latif	Ramp	265.56
Thomas Cotterill-Bailey	Ramp	264.60
Daniel Priestley	Ramp	264.60
Iman Bibi	PAX	247.80
Toni Kay	PAX	280.00
James Palmer	Ramp	418.13
Tony Irvine	Ramp	364.13
Vincent Melia	Ramp	265.50
Connor Pinches	Ramp	264.60
Alan Bradbury	Ramp	282.00
Louis Finnie	Ramp	282.00
Paul Braisdell	Ramp	291.30
Adam Mills	PAX	465.00
Conlon McNabe	Ramp	264.60
Dean Smith	Ramp	418.13
Damien Ball	Ramp	264.60
Ciaran Poole	Ramp	264.60
Ian Gwilym	Ramp	433.13
Kimberley Jones	PAX	247.80
Nikita Gillen	PAX	165.20
Andrew Cooper	Ramp	264.60
Reece Cordingley	Ramp	264.60
Elizabeth Warner	PAX	179.80
Candice Flanagan	PAX	256.20
Shannon Flanagan	PAX	247.80
Deborah Gibbison	PAX	247.80
Mitelo		
Sean Kenyon	Ramp	269.40
Bradley Baggott	PAX	462.00
Laura Zarb	PAX	202.20
Sean jackson	PAX	280.00
Duane Windsor	PAX	200.00
James Gilchrist	PAX	264.00
Samuel Wakefield	Ramp	331.20
Jamie Rowland	Ramp	433.13
Daniel Quinn	Ramp	264.60
David Robinson	Ramp	433.13
Joshua Thurston	Ramp	264.60
Dean Riley	PAX	474.38
Ghulfam Rigby	Ramp	264.60
Ewan McWhirter	Ramp	264.60
Richard Carter	Ramp	264.60
Adam Penty	Ramp	264.60
Kane Hobson	Ramp	291.00
Brian Sefton	Ramp	264.60
Michael Sharman	Ramp	264.60

Shaun McShane	Ramp	295.50
Adam Darby	Ramp	264.60
Declan Dolan	Ramp	264.60
Jolanta Egiert	PAX	198.60
Hassan Mohammed	PAX	247.80
Kate Banks	PAX	200.00
Kanwal Qaiyum	PAX	344.25
Kaitlyn Cross	PAX	181.40
Adam Brough	PAX	396.75
Jake Wright	PAX	271.60
Andrew Harrison	PAX	165.20
Thomas McNamara	PAX	165.20
Christopher Williamson	Ramp	264.60
Ellis Grimwade	Ramp	264.60
JOshua Edwards	Ramp	264.60
Ryan Bromiley	PAX	271.60
Abigail Peters	PAX	179.80
Melanie Calphas	PAX	165.20
Rebecca Wilson	PAX	160.20
Omera Sohail	PAX	247.80
Tariq Babar	PAX	Unknown



**Claimant: Unite the Union**

**Respondent: Aviator MAN Ltd (in creditor's voluntary liquidation)**

**ANNEX TO THE JUDGMENT  
(PROTECTIVE AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The respondent is under a duty to give the Secretary of State the following information in writing: (a) the name, address and National Insurance number of every employee to whom the protective award relates; and (b) the date of termination (or proposed termination) of the employment of each such employee.

That information shall be given within 10 days, commencing on the day on which the Tribunal announced its judgment at the hearing. If the Tribunal did not announce its judgment at the hearing, the information shall be given within the period of 10 days, commencing on the day on which the relevant judgment was sent to the parties. In any case in which it is not reasonably practicable for the respondent to do so within those times, then the information shall be given as soon as reasonably practicable thereafter.

No part of the remuneration due to an employee under the protective award is payable until either (a) the Secretary of State has served a notice (called a Recoupment Notice) on the respondent to pay the whole or part thereof to the Secretary of State or (b) the Secretary of State has notified the respondent in writing that no such notice is to be served.

This is without prejudice to the right of an employee to present a complaint to an Employment Tribunal of the employer's failure to pay remuneration under a protective award.

If the Secretary of State has served a Recoupment Notice on the respondent, the sum claimed in the Recoupment Notice in relation to each employee will be whichever is the less of:

- (a) the amount (less any tax or social security contributions which fall to be deducted therefrom by the employer) accrued due to the employee in respect of so much of the protected period as falls before the date on which the Secretary of State receives from the employer the information referred to above; OR
- (b) (i) the amount paid by way of or paid as on account of jobseeker's allowance, income-related employment and support allowance or income support to the employee for any period which coincides with any part of the protected period falling before the date described in (a) above; or

- (ii) in the case of an employee entitled to an award of universal credit for any period (“the UC period”) which coincides with any part of the period to which the prescribed element is attributable, any amount paid by way of or on account of universal credit for the UC period that would not have been paid if the person’s earned income for that period was the same as immediately before the period to which the prescribed element is attributable.

The sum claimed in the Recoupment Notice will be payable forthwith to the Secretary of State. The balance of the remuneration under the protective award is then payable to the employee, subject to the deduction of any tax or social security contributions.

A Recoupment Notice must be served within the period of 21 days after the Secretary of State has received from the respondent the above-mentioned information required to be given by the respondent to the Secretary of State or as soon as practicable thereafter.

After paying the balance of the remuneration (less tax and social security contributions) to the employee, the respondent will not be further liable to the employee. However, the sum claimed in a Recoupment Notice is due from the respondent as a debt to the Secretary of State, whatever may have been paid to the employee, and regardless of any dispute between the employee and the Secretary of State as to the amount specified in the Recoupment Notice.