



EMPLOYMENT TRIBUNALS

Claimants: Mr J Manning and others

**Respondents: R1) Clugston Construction Limited (in Administration)
R2) Clugston Services Limited (in Administration)
R3) The Secretary of State for Business, Energy and
Industrial Strategy**

Heard at: Leeds

On: 30 March 2021

This was a remote hearing conducted by CVP video which was agreed in advance by the parties.

Before: Employment Judge Shepherd

Appearances:

**Claimants: Ms Hand on behalf of 28 claimant
Ms Martin on behalf of herself and 37 other claimants
Mr Cousins on behalf of himself and 14 other claimants
Mr Frew on behalf of Mr Radcliffe**

**First respondent: No appearance
Second respondent: No appearance
Third respondent: No appearance**

JUDGMENT

The judgment of the Tribunal is that the claimants' complaint under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 of a failure by the first and second respondents to comply with the requirements of section 188 of the 1992 Act is well-founded.

The Tribunal orders the first and second respondents by way of protective award under section 189(3) to pay to all the claimants named in the attached schedule remuneration for the period of 90 days beginning on 6 December 2019.

The Employment Protection (Recruitment of Benefits) Regulations 1996 apply and their effect is set out in the annex attached to this judgment.

Case No: 1807405/2019 (v) and others

Employment Judge Shepherd

30 March 2021