



EMPLOYMENT TRIBUNALS

Claimants: Mr I Axe & others
(see attached schedule)

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

JUDGMENT

UPON reading the joint application submitted by:

1. The Claimants;
2. Clugston Construction Limited (In Administration); and
3. Clugston Services Limited (In Administration)

AND UPON the parties having agreed to the terms of the Judgment set out below by consent

The Judgment of the Employment Tribunal made under Rule 64 of Schedule 1 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 is that:

1. **Consent**

- 1.1 Permission for the claims presented by the Claimants named in the attached Schedules to this Judgment to proceed against the First and Second Respondents, and the lifting of the moratorium in relation to those claims, is granted by the administrators of the First and Second Respondents.

2. **Protective Award**

- 2.1 In relation to the Claimants named in the attached Schedules to this Judgment the First and Second Respondents failed to adequately comply with a requirement of section 188 of the Trade Union & Labour Relations (Consolidation) Act 1992 and the claim for a protective award brought under section 189 of the Trade Union & Labour Relations (Consolidation) Act 1992 succeeds.
- 2.2 The First and Second Respondents are ordered to pay remuneration to the Claimants named in the attached schedules for a protected period of 56 days

beginning on 06/12/2019 (being the date on which the first of the dismissals to which the complaint relates took effect).

3. Preferential debts

- 3.1 Subject to the normal categories of preferential debts set out in Schedule 6 of the Insolvency Act 1986, any payments made by the First and Second Respondents (rather than the Secretary of State) pursuant to this Judgment will be paid as an unsecured dividend, on the same basis and at the same time as the other unsecured creditors of the First and Second Respondents.

4. Costs

There shall be no order as to costs and each party shall bear their own costs in these proceedings.

Employment Judge Shepherd

Date: 7 September 2020

Case No: 1801515/2020 & 59 others

Schedule of claims:

CASE NUMBER	CLAIMANT
1801515/2020	MR I AXE
1801516/2020	MR I AXE
1801517/2020	MR D MANSFIELD
1801518/2020	MS A LOWE
1801519/2020	MS C DRAYTON
1801520/2020	MS W HALL
1801521/2020	MS B FRASER
1801522/2020	MR G THOMAS
1801523/2020	MS S KINDER
1801524/2020	MS D ATKINSON
1801525/2020	MR L HILL
1801526/2020	MR B GRANTHAM
1801527/2020	MR M BIRKITT
1801528/2020	MR M NICHOLSON
1801529/2020	MR J ISLE
1801530/2020	MS N FLETCHER
1801531/2020	MR D BIRKITT
1801532/2020	MR C COOPER
1801533/2020	MR O MARRIS
1801534/2020	MR W WATT
1801535/2020	MS A WHITE
1801536/2020	MR P GOULAND
1801537/2020	MR M TUCK
1801538/2020	MR C STRETCH
1801539/2020	MR L PARKER
1801540/2020	MR D LIEW
1801541/2020	MR S HARE
1801542/2020	MS G PALMER
1801543/2020	MR A ATKINSON-TIPLADY
1801544/2020	MR H PASK
1801545/2020	MR G BOSTON
1801546/2020	MR S GARNER
1801547/2020	MR D HAMPTON
1801548/2020	MR T CREASY
1801549/2020	MR N TODD
1801550/2020	MR A WILKINSON
1801551/2020	MR R PASK
1801552/2020	MS K HOLDSWORTH
1801553/2020	MR R DOBSON
1801554/2020	MR B PALMER
1801555/2020	MR S MCGILL
1801556/2020	MR R PRICE
1801557/2020	MR S PRICE
1801558/2020	MR B RICE
1801559/2020	MR P ALTOFT
1801560/2020	MR K THOMPSON
1801561/2020	MR M BURNETT
1801562/2020	MR A FLEET

Case No: 1801515/2020 & 59 others

1801563/2020	MR C SHELLY
1801564/2020	MR G ELLIOTT
1801565/2020	MR W MAZURKIEWICZ
1801566/2020	MR L CLARKSON
1801567/2020	MR R CLARKE
1801568/2020	MR C ROBERTS
1801569/2020	MS L BRADLEY
1801570/2020	MR N BLACKSTOCK
1801571/2020	MR C CAMPBELL
1801572/2020	MR P STOUT
1801573/2020	MS J CARTON
1801574/2020	MS M BEDFORD