



EMPLOYMENT TRIBUNALS (SCOTLAND)

5 **Case Nos: 4103160/2019, 4103164/2019, 4103307/2019, 4103647/2019,
4103649/2019, 4103649/2019, 4103650/2009, 4104070/2019,
4104813/2019, 4105935/2019 and 4105940/2019.**

Held via telephone conference call on 21 July 2020

10 **Employment Judge L Doherty**

Mr N Bone

**First Claimant
In Person**

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Mr R Marshall

**Second Claimant
No appearance and
No representation**

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Mr M Coyne

**Third Claimant
In Person**

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Mr G Douglas

**Fourth Claimant
No appearance and
No representation**

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35 **Mr S Majidi**

**Fifth Claimant
No appearance and
No representation**

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Mr P Mohan

**Sixth Claimant
No appearance and
No representation**

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5	Mr S Burns	Seventh Claimant No appearance and No representation
10	Mr S Martin	Eighth Claimant No appearance and No representation
15	Mr P Lessing	Ninth Claimant No appearance and No representation
20	Mr P Reilly	Tenth Claimant No appearance and No representation
25	The ADF Partnership Limited SC087602	Respondent No appearance and No representation

30 **JUDGMENT OF THE EMPLOYMENT TRIBUNAL**

The Judgement of the Employment Tribunal is that respondents were in breach of their obligations under section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 and the Tribunal shall make a protective award in respect of the claimants who were dismissed as redundant; the protected period begins on
35 25 February 2019 and is for a period of 90 days.

REASONS

1. The claimants in this case presented a claim under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 (TULCRA), in respect of an alleged failure to consult in terms of section 188 of that Act.
2. The claimants were conjoined in March 2020, and a hearing was fixed for 21 July 2020, which took place by way of telephone conference call.
3. The claimants have obtained the consent of the Court to proceed with this claim, which is not opposed by the liquidator.
4. Mr Bone, and Mr Coyne appeared at the hearing.

Findings in Fact

5. ADF Partnership Ltd where an architectural practice employing 27 members of staff. On 25 February 2019 all of the staff, including the claimants, were advised that the company was going into provisional liquidation, and their employment was terminated on that date. There was no prior warning or consultation in advance of this notification. All members of staff were made redundant on 25 February 2019.

Consideration

6. The Tribunal was satisfied on the basis of the facts which are found that there was no consultation as required by section 188 of TULCRA. It was also satisfied that more than 20 members of staff were made redundant on 25 February 2019.

7. No reason was advanced before the Tribunal to explain the lack of consultation, and the Tribunal was satisfied in the circumstances that a protective award should be made, and that it should be made for a period of 90 days commencing on 25 February 2019, which was the date on which all members of staff were made redundant.

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10 Employment Judge: L Doherty
Date of Judgement: 21 July 2020
Entered in register: 24 July 2020
and copied to parties