



EMPLOYMENT TRIBUNALS

Claimants: Mr J Flowers
Mr T Harding
Ms J Parsons

Respondents: (1) STA Travel Ltd (in Creditors Voluntary Liquidation)
(2) Secretary of State for Business Energy Industrial Strategy
(BEIS)

Heard at: East London Hearing Centre (by Cloud Video Platform)

On: 29 April 2021

Before: Employment Judge B Elgot
Members: Mr M Rowe
Ms J Houzer

Representation

Claimants: In person

Respondents: The First Respondent has presented no response. Neither Respondent attended or was represented. The Secretary of State for BEIS sent written submissions attached to his Response.

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was by Cloud Video Platform. A face to face hearing was not held because the relevant matters could be determined in a remote hearing.

JUDGMENT

1. These three claims have been ordered to be consolidated and heard together.
2. The Secretary of State for BEIS is joined as a Respondent in the case of Mr J Flowers under case number 3202342/20 because pursuant to Rule 34 Employment Tribunals Rules of Procedure it appears that there are issues between the Secretary of State as statutory guarantor and Mr J Flowers which fall within the jurisdiction of the Tribunal and which it is in the interests of justice to determine.

3. Each of the three Claimants as employees of the First Respondent makes a claim for a protective award pursuant to section 189 Trade Union and Labour Relations (Consolidation) Act 1992 ('the 1992 Act') because they say that the First Respondent has failed to comply with the requirements of section 188 to consult in its procedure for handling redundancies.
4. The claims of Mr T Harding and Ms J Parsons have been presented out of time. However the Tribunal is satisfied that it was not reasonably practicable for them to present their claims within the time limit set out in section 189(5) but that it was reasonable for Mr Harding (3200452/21) to present his claim within the further period up to 4 February 2021 and for Ms Parsons (3200560/21) to present her claim for the further period up to 15 February 2021.
5. Each of the three Claimants was dismissed on 2 September 2020 by reason of redundancy.
6. We are satisfied that the Claimants together with all of the other salaried employees of the First Respondent were employed within a single establishment where the Respondent was proposing to dismiss as redundant 20 or more employees within a period of 90 days or less.
7. The First Respondent has completely failed to comply with the consultation requirements of section 188 of the 1992 Act.
8. Accordingly the Tribunal makes a protective award in respect of all three Claimants who were employed by the First Respondent on 2 September 2020 and whose employment was terminated by reason of redundancy on that date.
9. The protected period is 90 days commencing on 2 September 2020. No mitigating factors have been put forward by the First Respondent justifying a reduction of the maximum period of 90 days and the Tribunal have discovered none.
10. The Employment Protection (Recoupment of Benefits) Regulations 1996 may apply to these awards and the required information is as follows:-
 - i) The date of Hearing is 29 April 2021
 - ii) The Tribunal is located at East London Hearing Centre, Import Building, London E14 2BE
 - iii) The employer is STA Travel Limited (in liquidation). Registered office is Snow Hill, London EC1A 2AY. The appointed liquidators are Rollings Butt LLP of the same address.

- iv) The employees to whom the award relates are Mr John Flowers, Ms Jadeene Parsons and Mr Thomas Harding.
- v) The dates of the protected period are 2 September 2020 to 1 December 2020.

**Employment Judge B Elgot
Date: 4 May 2021**