



EMPLOYMENT TRIBUNALS

Claimants: Mr Girskis & others (please see attached schedule)

Respondent: Stylex Auto Product Limited (in liquidation)

Heard at: Leeds Employment Tribunal (on the papers)

On: 11 May 2021

Before: Employment Judge Deeley (sitting alone)

JUDGMENT - COLLECTIVE REDUNDANCY CONSULTATION CLAIM ONLY

1. The Tribunal declares that the complaint of the claimants that the respondent failed to comply with the requirements of s188 of the Trade Union & Labour Relations (Consolidation) Act 1992 is well-founded.
2. The Tribunal makes a protective award of 90 days' pay in respect of Mr Girskis, Mr Sarkozi, Mrs Sarkozi, Mrs Calkowska, Mr Wilks and Ms Pietrzynska, who were dismissed as redundant with effect from the dates set out in the attached Schedule A. The Tribunal orders the respondent to pay those claimants their remuneration for the protected period of 90 days beginning the date on which they were made redundant. The Recoupment of Jobseeker's Allowance and income Support Regulations 1996 apply to this award.
3. By way of clarification:
 - 3.1 further case management orders shall be issued in relation to any Additional Claims (see the Notes below);
 - 3.2 this Judgment only applies to Mr Girskis, Mr Sarkozi, Mrs Sarkozi, Mrs Calkowska, Mr Wilks and Ms Pietrzynska. The remaining claimants listed at Schedule B (Mrs Brudiu, Mrs Railton and Mr Hogg) did not state the date on which their employment terminated in their claim form and judgment cannot be entered until this information has been provided. A separate case management order has been sent to Mrs Brudiu, Mrs Railton and Mr Hogg;

- 3.3 the claim brought by Mrs Rook (case reference 1800216/21) has been submitted outside of the Tribunal's time limits. A separate hearing will be held to determine whether the time limit should be extended to permit these claims to proceed.

NOTES

Claims

4. The Claimants to this claim were employed by the First Respondent, which went into administration on 12 June 2020. The First Respondent subsequently entered a creditors' voluntary liquidation with effect from 10 December 2020.
5. The First Respondent operated its business from its Scunthorpe premises. The First Respondent dismissed half of its staff due to redundancy on 12 June 2020. The remainder were made redundant between 19 June and 18 August 2020 without consultation. The initial time limit for submitting a claim to the Tribunal therefore expired on 17 November 2020 (subject to any extension of time under the ACAS early claim conciliation periods).

Collective Redundancy Consultation claim (protective award)

6. All of the claimants claimed that they were dismissed without any collective redundancy consultation. Each claimant claimed that they should be paid a '**protective award**' because of the respondent's failure to inform and consult on a collective basis regarding their redundancy, as required by s188 of the Trade Union and Labour Relations (Consolidation) Act 1992.

Additional Claims

7. Some of the Claimants may have submitted other claims to the Tribunal for additional payments, such as:
- 7.1 unpaid wages and breach of contract;
 - 7.2 holiday pay;
 - 7.3 notice pay; and
 - 7.4 statutory redundancy pay.
8. I have referred to these claims as the "**Additional Claims**" in this Judgment. A separate document containing case management orders has been sent to the claimants.

Useful information

9. The reasons for this judgment were given to the parties orally during this hearing. Written reasons will not be provided unless a request was made by any party at the hearing or a written request is presented by any party within 14 days of the sending of this written record of the decision.

10. All judgments and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.
11. You can appeal to the Employment Appeal Tribunal if you think a legal mistake was made in an Employment Tribunal decision. There is more information here: <https://www.gov.uk/appeal-employment-appeal-tribunal>

Employment Judge Deeley

Date: 11 May 2021

SCHEDULE A - CLAIMANTS FOR WHOM JUDGMENT HAS BEEN ENTERED

Claim reference	Claimant's name	Redundancy date
2413553/2020	Mr Mindaugas Girskis	30 June 2020
2413603/2020	Mr Istvan Sarkozy	12 June 2020
2413604/2020	Mrs Sylwia Sarkozy	12 June 2020
2413891/2020	Mrs Barbara Calkowska	12 June 2020
2413984/2020	Mr Daniel Wilks	31 July 2020
2415576/20	Ms Monika Pietrzynska	19 June 2020

SCHEDULE B - CLAIMANTS WHO NEED TO PROVIDE THE DATE ON WHICH THEIR EMPLOYMENT TERMINATED BEFORE JUDGMENT CAN BE ENTERED

Claim reference	Claimant's name	Redundancy date
2413652/2020	Mrs Lilana Brudiu	[not stated on claim form]
2413673/2020	Mrs Lorraine Railton	[not stated on claim form]
3311414/2020	Mr Jonathan Hogg	[not stated on claim form]