



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case Nos: 4102389/2020 (A) & Others (see attached list)

Held in Edinburgh

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Employment Judge EJ Sutherland

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Unite The Union & Others (see attached list)

**1st Claimant
Represented by:
Mr R Lawson -
Solicitor**

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**APIF Realisations Limited (Formerly API
Foils Limited) (In Administration)**

**Respondent
Represented by:
Ms C Wright**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The Judgment of the Employment Tribunal issued by consent under Rule 64 of
Schedule 1 of the Employment Tribunals (Constitution and Rules of Procedure)
Regulations 2013 is that –

The Judgment of the Employment Tribunal issued by consent of the parties
is that –

Unite the Union, being an independent trade union, was recognised by the respondent in respect of all of the respondent's former employees at its establishment at 19 Firth Road, Livingston, it is declared that the respondent failed to comply with the requirements of section 188 of the
5 Trade Union and Labour Relations (Consolidation) Act 1992 to consult about the dismissals representatives of that trade union.

Under reference to section 189(1)(c) of the 1992 Act, the Employment Tribunal makes a protective award in favour of all former employees of the
10 respondent employed at its establishment at 19 Firth Road, Livingston, who were dismissed as redundant on or around 3 February 2020, including the claimants named in the attached schedule, and the respondent is ordered to pay remuneration to those employees for the protected period, namely for
90 days starting on 3 February 2020.

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Employment Judge: Michelle Sutherland

Date of Judgment: 20 April 2021

Entered in register: 17 May 2021

20 and copied to parties

List of Claimants

Mr David Aitken (Case Number 4102390/2020)	2 nd Claimant Represented by: Mr R Lawson – Solicitor
Mr Iain Edward Armstrong (Case Number 4102391/2020)	3 rd Claimant Represented by: Mr R Lawson – Solicitor
Mr John Armstrong (Case Number 4102392/2020)	4 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Norman Baldwin (Case Number 4102393/2020)	5 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Alexander Borthwick (Case Number 4102394/2020)	6 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Alexander Brown (Case Number 4102395/2020)	7 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Robert Carstairs (Case Number 4102396/2020)	8 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Owen Chalmers (Case Number 4102397/2020)	9 th Claimant Represented by: Mr R Lawson – Solicitor
Mr James Colvin (Case Number 4102398/2020)	10 th Claimant Represented by: Mr R Lawson – Solicitor
Mr James Davis (Case Number 4102399/2020)	11 th Claimant Represented by: Mr R Lawson –

Solicitor

Mr John Devlin (Case Number 4102400/2020)

12th Claimant
Represented by:
Mr R Lawson –
Solicitor

Mr Alistair Done (Case Number 4102401/2020)

13th Claimant
Represented by:
Mr R Lawson –
Solicitor

Mr Matt Doogue (Case Number 4102402/2020)

14th Claimant
Represented by:
Mr R Lawson –
Solicitor

Mr Thomas Dunlop (Case Number 4102403/2020)

15th Claimant
Represented by:
Mr R Lawson –
Solicitor

Mr Guy Fairley (Case Number 4102404/2020)

16th Claimant
Represented by:
Mr R Lawson –
Solicitor

Mr Craig Foster (Case Number 4102405/2020)

17th Claimant
Represented by:
Mr R Lawson –
Solicitor

Mr Mark French (Case Number 4102406/2020)	18 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Greg Gallagher (Case Number 4102407/2020)	19 th Claimant Represented by: Mr R Lawson – Solicitor
Mr John Graham (Case Number 4102408/2020)	20 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Peter Howarth (Case Number 4102409/2020)	21 st Claimant Represented by: Mr R Lawson – Solicitor
Mr Craig Hunter (Case Number 4102410/2020)	22 nd Claimant Represented by: Mr R Lawson – Solicitor
Mr Andrew Kerr (Case Number 4102411/2020)	23 rd Claimant Represented by: Mr R Lawson – Solicitor
Mr Graeme Kerr (Case Number 4102412/2020)	24 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Richard Kerr (Case Number 4102413/2020)	25 th Claimant Represented by: Mr R Lawson – Solicitor

Mr Mark Leitham (Case Number 4102414/2020)	26 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Robert Lowe (Case Number 4102415/2020)	27 th Claimant Represented by: Mr R Lawson – Solicitor
Ms Sheena McAra (Case Number 4102416/2020)	28 th Claimant Represented by: Mr R Lawson – Solicitor
Mr William McClune (Case Number 4102417/2020)	29 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Philip McConnachie (Case Number 4102418/2020)	30 th Claimant Represented by: Mr R Lawson – Solicitor
Mr John McConnell (Case Number 4102419/2020)	31 st Claimant Represented by: Mr R Lawson – Solicitor
Mr Andrew McDonald (Case Number 4102420/2020)	32 nd Claimant Represented by: Mr R Lawson – Solicitor
Mr Stuart McDonald (Case Number 4102421/2020)	33 rd Claimant Represented by: Mr R Lawson – Solicitor

Mr Wayne McFarlane (Case Number 4102422/2020)	34 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Brian McGlinchey (Case Number 4102423/2020)	35 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Allan McKay (Case Number 4102424/2020)	36 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Robert McKee (Case Number 4102425/2020)	37 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Colin McLellan (Case Number 4102426/2020)	38 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Steven Meldrum (Case Number 4102427/2020)	39 th Claimant Represented by: Mr R Lawson – Solicitor
Mr John Milligan (Case Number 4102428/2020)	40 th Claimant Represented by: Mr R Lawson – Solicitor
Mr John C R Milligan (Case Number 4102429/2020)	41 st Claimant Represented by: Mr R Lawson – Solicitor

Mr Simon Robinson (Case Number 4102430/2020)	42 nd Claimant Represented by: Mr R Lawson – Solicitor
Mr Graham Ross (Case Number 4102431/2020)	43 rd Claimant Represented by: Mr R Lawson – Solicitor
Mr Norman Russell (Case Number 4102432/2020)	44 th Claimant Represented by: Mr R Lawson – Solicitor
Mr William Russell (Case Number 4102433/2020)	45 th Claimant Represented by: Mr R Lawson – Solicitor
Mr John Scotland (Case Number 4102434/2020)	46 th Claimant Represented by: Mr R Lawson – Solicitor
Mr James Scott (Case Number 4102435/2020)	47 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Paul Shannon (Case Number 4102436/2020)	48 th Claimant Represented by: Mr R Lawson – Solicitor
Miss Yvonne Sharpe (Case Number 4102437/2020)	49 th Claimant Represented by: Mr R Lawson – Solicitor

Mr Hugh Taylor (Case Number 4102438/2020)	50 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Lee Walker Thomson (Case Number 4102439/2020)	51 st Claimant Represented by: Mr R Lawson – Solicitor
Mr George Young Waddell (Case Number 4102440/2020)	52 nd Claimant Represented by: Mr R Lawson – Solicitor
Mr Gary Wainwright (Case Number 4102441/2020)	53 rd Claimant Represented by: Mr R Lawson – Solicitor
Mr Stuart Watt (Case Number 4102442/2020)	54 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Derek Whyte (Case Number 4102443/2020)	55 th Claimant Represented by: Mr R Lawson – Solicitor
Mr Alan Thomas Wilson (Case Number 4102444/2020)	56 th Claimant Represented by: Mr R Lawson – Solicitor
Mr David Wilson (Case Number 4102445/2020)	57 th Claimant Represented by: Mr R Lawson – Solicitor

Mr John Wilson (Case Number 4102446/2020)

58th Claimant
Represented by:
Mr R Lawson –
Solicitor

Mr Locksley Aloysius Wilson (Case Number 4102447/2020)

59th Claimant
Represented by:
Mr R Lawson –
Solicitor

Mr Andrew Wood (Case Number 4102448/2020)

60th Claimant
Represented by:
Mr R Lawson –
Solicitor