



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr E Addison

**Respondents:** (1) Westex Limited (In Administration)  
(2) The Secretary of State for Business, Energy and Industrial Strategy

**Heard at:** East London Hearing Centre

**On:** 10 January 2022

**Before:** Employment Judge Burgher

## Appearances

**For the Claimants:** In person  
**For the Respondents:** Did not attend

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

## JUDGMENT

**1** The Claimant was one of the 125 employees employed by the Second Respondent's Bow location who was entitled to a protective award following judgment given in case number 3202653/2019 and others issued on 13 October 2020.

**2** However, pursuant to section 192 of the Trade Union and Labour Relations (Consolidation) Act 1992 the Tribunal does not have jurisdiction to consider the Claimant's claim for a protective award.

**3** The three month time limit for the Claimant's protective award claim to be presented expired on 17 March 2020. However, it was not reasonably practicable for the complaint to be presented within the period of three months as there was no knowledge of the entitlement of protective award until the

Claimant became aware of the Tribunal judgment in case number 3202653/2019 having been informed by Mr Staerck in November 2020.

4 The Claimant did not present his case in such period as considered reasonable. The Claimant presented his claim on 10 July 2021. He became aware of the 3202653/2019 judgment in November 2020 having been informed by Mr Kevin Staerck and was subsequently informed by Mr Staerck in January 2021 that he must present a separate claim. The Claimant made initial enquiries, gave up, and did not subsequently present his claim until 10 July 2021. He decided to pursue it after attending a barbeque with former colleagues in June 2021 who told him that they had received sums.

5 The Tribunal therefore does not have jurisdiction to consider the Claimant's claim which is dismissed.

Employment Judge Burgher

10 January 2022