



EMPLOYMENT TRIBUNALS

Claimants:

Ms L Peggs and others
(schedule of claimants attached)

Respondents:

Oasis Fashions Limited (in
administration) (1)
Hilco Capital Limited (2)

v

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – rules 21 and 52

The claimants having withdrawn all their claims against the first respondent except their claims for a protective award under section 189(3) of the Trade Union and Labour Relations (Consolidation) Act 1992 ('the Act'), and the first respondent having stated that it does not contest the claims for a protective award, and the claimants having withdrawn all their claims against the second respondent, and on the information before the judge, the judgment of the tribunal is that:

1. The claimants' claims against the second respondent are dismissed on withdrawal.
2. The claimants' complaints against the first respondent of a failure to comply with the requirements of section 188 of the Act are well-founded.
3. The tribunal orders the first respondent by way of a protective award under section 189(3) of the Act to pay to each of the claimants listed in the schedule a payment equivalent to remuneration for the period of 90 days beginning on 15 April 2020.
4. The recoupment provisions apply to this award.
5. All other claims by the claimants against the first respondent are dismissed on withdrawal.

REASONS

1. The claimants were employed by the first respondent, a national British fashion retailer which went into administration on 15 April 2020. The claimants brought employment tribunal claims which were stayed. The first

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respondent is in administration. In the ET3 and grounds of resistance presented on 27 September 2021, the administrators of the first respondent granted their consent for the claimants' claims against the first respondent for a protective award to proceed.

2. In an email dated 14 October 2021, the solicitors acting for the claimants confirmed the withdrawal of all of the claimants' claims against the second respondent and the withdrawal of all of the claimants' claims against the first respondent except for the claims for a protective award. All of the claimants' claims against the second respondent have been dismissed on withdrawal pursuant to rule 52 of the Employment Tribunals Rules of Procedure 2013. All of the claimants' claims against the first respondent except for the claims for a protective award have been dismissed on withdrawal under rule 52.
3. That leaves only the claims for a protective award. The solicitors acting for the administrators of the first respondent confirmed in an email dated 28 October 2021 that the first respondent does not contest the claimants' claims for a protective award of 90 days.
4. On consideration of the file of proceedings it is possible to issue judgment against the first respondent under rule 21 of the Employment Tribunals Rules of Procedure 2013 in respect of the claim for protective awards without a hearing.
5. The tribunal makes the following findings on the information provided, in respect of the claimants' claims for a protective award in respect of breaches of the collective consultation requirements under section 188 of the Act.
6. The first respondent proposed to make 91 redundancies at its Paul Street, London, site. The first respondent did not fully inform and consult with the claimants in accordance with the provisions of section 188 of the Act. There was no proper warning or consultation with the claimants and no employee representatives were appointed for consultation as required by section 188A of the Act.
7. The claimants were dismissed by reason of redundancy. The first of the dismissals took place on 15 April 2020 and the last of the claimants was dismissed on 30 April 2020.
8. In the circumstances, the first respondent was in breach of the duty under section 188. The tribunal makes an award under section 189 in favour of the claimants for the maximum protected period of 90 days beginning with 15 April 2020.
9. The first respondent is advised of the provisions of the Employment Protection (Recoupment of Benefits) Regulations 1996. Further information is contained in the annex to this judgment.

Employment Judge Hawksworth

Date: 17 January 2022

Sent to the parties on: 19 January 2022

For the Tribunal Office

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Schedule of claims:

2204269/2020 Ms L Peggs V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204271/2020 Ms M Parsons V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204272/2020 Ms H Milner V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204273/2020 Ms R Kelly V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204274/2020 Ms K Knight V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204275/2020 Ms E Gentry V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204276/2020 Ms M Allen V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204277/2020 Ms A Qamar V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204278/2020 Ms C Walker V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204279/2020 Ms E Claridge V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204280/2020 Ms H Savory V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204281/2020 Ms R Lee V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204282/2020 Ms G Wren-Haywood V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204283/2020 Ms R Sawyer V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204284/2020 Ms N Murphy V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204285/2020 Ms D Phillips V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204286/2020 Ms A Burns V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204287/2020 Ms A Claridge V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204288/2020 Ms R Brown V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204289/2020 Ms E McFarlane V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204290/2020 Ms L Taylor V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204291/2020 Ms A Collins V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204292/2020 Ms J Wach V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204293/2020 Ms S Blake V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204294/2020 Mr R Owen V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited
2204295/2020 Ms K Holley V (1) Oasis Fashions Limited (in Administration) & (2) Hilco Capital Limited