



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Nos: 2206208/2018 & others; 4120814/2018 & others

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Employment Judge L Doherty

Miss L Owens & others

Claimants

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Mr F Prewett & others

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**Oxygen Freejumping Limited (In Administration)
& others**

Respondents

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

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The Judgment of the Tribunal, with consent of the parties, under Rule 64 of the Tribunal Rules is that:

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1) The Claimants were employed by the Respondent in various descriptions of employee.

2) On 28th June 2018, Antony Nygate and Martha Thompson of BDO LLP were appointed as Joint Administrators of the Respondents.

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3) On 28th June 2018, the Claimants were dismissed by the Respondents, by reason of redundancy,

E.T. Z4 (WR)

- 4) The Respondents did not inform and consult with the Claimants in accordance with the provisions of s.188 and S.188A of The Trade Union and Labour Relations (Consolidation) Act 1992 ("the Act").
- 5) The Claimants have raised a complaint pursuant to section 189 of the Act seeking a protective award in respect of that failure.
- 6) The Tribunal makes a protective award in favour of the Claimants only; and orders the Respondent to pay remuneration to the Claimants for a protective period of 8 weeks from 28th June 2018. The Claimants agree to seek payment of these sums from the Redundancy Payment Service (a division of the Insolvency Service) ("RPS"). If any of the Claimants are unable to recover all or part of the protective award from the RPS, the Claimants confirm that such sums shall not be an administration expense and that accordingly, they shall only be entitled to recover them from the Respondent by way of an unsecured debt claim.

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Employment Judge: L Doherty
Date of Judgment: 15 July 2019
Entered in register: 17 July 2019
and copied to parties

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