



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4100821/2020 & others as per multiple ref 9298

Employment Judge L Doherty

Mr B Carr & others as per attached schedule

Claimants

Clearwin Ltd (In Administration)

Respondents

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

The claim being undefended the Employment Tribunal issues the following judgment under Rule 21 of the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2014 (the Rules):

- 1 The claimants in the attached schedule were employees of the respondents.
- 2 On 20 October 2019, Sarah Helen Bill, and Stephen Gerard Clancy, both of the Duff and Phelps, 58 The Chancery, Spring Gardens Manchester M2 1EW were appointed Joint Administrators of the respondent
3. On 17th October 2019 the claimants were dismissed by reason of redundancy.
- 4 The respondents did not inform or consult with the claimants in accordance with the provisions of S.188 or S.188A of the Trade Union and Labour Relations Consolidation Act 1992 (the Act).

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5. The claimants have raised a complaint pursuant to section 189 of the act seeking a protective award against the respondents in respect of that failure
6. The Employment Tribunal declared the claimant's claims well-founded and makes a protective award in favor of the description of employees of the respondents who were dismissed within 90 days of 17 October 2019 and order respondent to pay remuneration for a protected period of 8 weeks from 17 October 2019.
7. The protective award will rank as an unsecured debt against the Joint Administrators.

Employment Judge: Laura Doherty
Date of Judgment: 01 September 2020
Entered in register: 08 September 2020
and copied to parties

Multiple Schedule

Multiple: 9298 - Clearwin Ltd

<i>Case Number</i>	<i>Case Name</i>
4100821/2020	Mr Brendan Carr -v- Clearwin Ltd (In Administration)
4100822/2020	Mr Iain MacLean -v- Clearwin Ltd (In Administration)
4100823/2020	Ms Wendy Lawrence -v- Clearwin Ltd (In Administration)
4100824/2020	Ms Ann Gibb -v- Clearwin Ltd (In Administration)
4100825/2020	Mr George McCann -v- Clearwin Ltd (In Administration)
4100826/2020	Mr Brendan Carr -v- Clearwin Ltd (In Administration)
4100827/2020	Ms SuzanneKing -v- Clearwin Ltd (In Administration)
4100828/2020	Mr StephenMcCann -v- Clearwin Ltd (In Administration)
4100829/2020	Mr David Mutch -v- Clearwin Ltd (In Administration)
4100830/2020	Mr Peter Mutch -v- Clearwin Ltd (In Administration)
4100831/2020	Ms Lesley Callan -v- Clearwin Ltd (In Administration)
4100832/2020	Mr Andrew MacLean -v- Clearwin Ltd (In Administration)
4100833/2020	Ms Amy Louise Gamer -v- Clearwin Ltd (In Administration)