



EMPLOYMENT TRIBUNALS

Claimant: British Airline Pilots' Association

Respondent: Norwegian Air Resources UK Limited - In Liquidation

Heard at: London South Employment Tribunal

On: 6 January 2022

Before: Employment Judge L Burge

Appearances

For the Claimant: M Tether (Counsel)

For the Respondent: Did not attend

REMEDY JUDGMENT

It is the Judgment of the Tribunal that:

1. The Claimant's application to amend its claim is granted.
2. The Respondent failed in its duty to consult employee representatives under section 188 Trade Union & Labour Relations (Consolidation) Act 1992.
3. The Tribunal makes a protective award in respect of all long-haul pilots based at London Gatwick who were dismissed as redundant on 29 January 2021 and who fell within the scope of the Recognition Agreement dated 1 June 2015 between the Respondent and BALPA other than any pilot who was a Base Captain, the Director of Flight Operations, General Manager Flight Training, Chief Pilot, Fleet Captain or Chief Training Captain. The Respondent shall pay remuneration to those employees for the protected period of 80 days beginning with 29 January 2021.
4. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award.

Employment Judge L Burge

6 January 2022

ANNEX TO THE JUDGMENT

Recoupment of Jobseeker's Allowance, income-related Employment and Support Allowance, universal credit and Income Support Protective Awards

Under the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996, it is the responsibility of the respondent to inform the Department for Work and Pensions (DWP) of the following information in writing:

- a) name, address and National Insurance number of every employee the award relates to; and
- b) the date of termination (or proposed termination) of every employee the award relates to.

This information should be sent to the DWP within 10 days of the judgment being announced at the hearing or within 10 days of the date that the judgment was sent to the parties if the judgment was reserved. If it is not reasonably practicable for the respondent to meet this deadline, the information must be sent as soon as is reasonably practicable after the 10 day period.

The remuneration due to an employee under the award should not be paid immediately. This is because the Department for Work and Pensions (DWP) has the right to recover (recoup) any Jobseeker's Allowance, income-related Employment and Support Allowance, universal credit or Income Support which it paid to the claimant after dismissal. This will be done by way of a Recoupment Notice which will be sent to the respondent usually within 21 days of receiving the above information from the respondent.

When the DWP sends the Recoupment Notice, the respondent must pay the amount specified in the Notice by the Department. The balance of the remuneration under the award is then payable to the employee(s) subject to the deduction of any tax or social security contributions. If the DWP informs the respondent that it does not intend to issue a Recoupment Notice, the respondent must immediately pay the whole of the remuneration to the claimant.

The claimant will receive a copy of the Recoupment Notice from the DWP. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the DWP in writing within 21 days. The tribunal has no power to resolve such disputes which must be resolved directly between the claimant and the DWP.