



EMPLOYMENT TRIBUNALS

Claimant: Unite the Union

Respondent: JD Lydney (In Administration)

JUDGMENT BY CONSENT

UPON reading the joint application submitted by the claimants together with the agreement of the respondent

AND UPON the relevant parties having agreed to the terms of the Judgment set out below by consent

The Judgment of the Employment Tribunal made under Rule 64 of Schedule 1 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 is that:

1. The Respondents are ordered to pay each of the Claimants set out in the attached list (the Protective Award Claimants) a protective award of 6 weeks pay under Section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992;
2. These claims are for a protective award ('the PA') under the provisions of S184(2)(d) of the Employment Rights Act 1996 (the ERA'). As per this Section, the Secretary of State ('the SOS') is liable to pay the maximum of 8 weeks of Arrears of pay including any PA awarded by the employment tribunal under the provision of Trade Union and Labour Relations (Consolidation) Act 1992. In this case that level of PA is 6 weeks;
3. The "establishment rule" applies and the parties confirm that more than 20 employees are party to these proceedings;
4. The claims brought by the Claimant (Claim Number 1404614/2020, and any other claim by any of the Claimants) are dismissed;

5. No order for expenses (costs) is made in favour of any party.

LIST OF EMPLOYEES

Mr Ian Bailey
Mr Timothy Bird
Mr Tom Bollen
Mr Robert Brooks
Mr Paul Burnard
Mr Michael Casey
Mr Stephen Church
Mrs Kerrin Corner
Mr Ivor Cullis
Mr Paul Davis
Mr Kevin Edey
Mr James Edge
Mr Richard Elliot
Mr Lee Elsmore
Mr Stephen Fuller
Mr Michael Guest
Mr Wayne Gwynne
Mr Nigel Hale
Mr Timothy Hamer
Mr Jamie Hammond
Mr Michael Hancock
Mr Paul Hanson
Mr Richard Harding
Mr Stephen Harding
Mr Mark Holloway
Mr Danny Hudson
Mr Steven James
Mr Richard Jenkins
Mr Mark Knox
Mr Nicholas Locke
Mr Blair Martin
Mr Samuel Mayhew
Mr Patrick Mayo
Mr Andrew Mudway
Mr Panna Paul
Mr Simon Peachey
Mr Gareth Pearce
Mr Martyn Penny
Mr Andrew Phillips
Mr Ian Powell
Mr Terry Powell
Mr Wayne Price
Mr Stephen Robinson
Mr Andrew Shaw
Mr Nigel Shaw
Mr Nicholas Smith
Mr Glen Turner
Mr Gary Watkins

Mr Simon Watts
Mr Andrew Weaver
Mr Neil Wilce
Mr Clinton Williams

Regional Employment Judge Pirani
Date: 2 November 2021

Judgment sent to parties: 2 November 2021

FOR THE OFFICE OF THE TRIBUNALS