



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Rodrigues & others (see attached schedule)

Miss M Christie

**Respondent:** (1) Kasterlee UK Limited

(2) Secretary of State BEAS

**Heard at:** London South      **On:** 15 December 2021

**Before:** Employment Judge Khalil (sitting alone)

## Appearances

For the claimant: Mr Cooper, Solicitor

For the respondents: no appearance

## JUDGMENT

As a result of the first respondent's non-compliance with S.188 of the Trade Union & Labour Relations Act 1992 ('TULRA'), the Tribunal makes a declaration to that effect and makes a Protective Award for 90 days for the period from 16 June 2020 (S.189 (4) TULRA) This is in respect of all of the claimants in these proceedings who were dismissed as redundant on that day pursuant to S.189 (3) TULRA.

Reasons were given at the time and written reasons will not be provided unless they are asked for by a written request presented by any party within 14 days of the sending of this written record of the decision.

### Public access to Employment Tribunal decisions

All judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

**Case Number:2306007/2020 & others (see schedule) and 2305761/2020**

**Employment Judge Khalil**

**15 December 2021**

**Claimant:** Mr D Rodrigues

**Respondent:** 1. Kasterlee Uk Limited 2. Secretary of State BEAS

**ANNEX TO THE JUDGMENT  
(PROTECTIVE AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The respondent is under a duty to give the Secretary of State the following information in writing: (a) the name, address and National Insurance number of every employee to whom the protective award relates; and (b) the date of termination (or proposed termination) of the employment of each such employee.

That information shall be given within 10 days, commencing on the day on which the Tribunal announced its judgment at the hearing. If the Tribunal did not announce its judgment at the hearing, the information shall be given within the period of 10 days, commencing on the day on which the relevant judgment was sent to the parties. In any case in which it is not reasonably practicable for the respondent to do so within those times, then the information shall be given as soon as reasonably practicable thereafter.

No part of the remuneration due to an employee under the protective award is payable until either (a) the Secretary of State has served a notice (called a Recoupment Notice) on the respondent to pay the whole or part thereof to the Secretary of State or (b) the Secretary of State has notified the respondent in writing that no such notice is to be served.

This is without prejudice to the right of an employee to present a complaint to an Employment Tribunal of the employer's failure to pay remuneration under a protective award.

If the Secretary of State has served a Recoupment Notice on the respondent, the sum claimed in the Recoupment Notice in relation to each employee will be whichever is the less of:

- (a) the amount (less any tax or social security contributions which fall to be deducted by the employer) accrued due to the employee in respect of so much of the protected period as falls before the date on which the Secretary of State receives from the employer the information referred to above; OR
- (b) (i) the amount paid by way of or paid as on account of jobseeker's allowance, income-related employment and support allowance or income support to the employee for any period which coincides with any part of the protected period falling before the date described in (a) above; or

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- (ii) in the case of an employee entitled to an award of universal credit for any period (“the UC period”) which coincides with any part of the period to which the prescribed element is attributable, any amount paid by way of or on account of universal credit for the UC period that would not have been paid if the person’s earned income for that period was the same as immediately before the period to which the prescribed element is attributable.

The sum claimed in the Recoupment Notice will be payable forthwith to the Secretary of State. The balance of the remuneration under the protective award is then payable to the employee, subject to the deduction of any tax or social security contributions.

A Recoupment Notice must be served within the period of 21 days after the Secretary of State has received from the respondent the above-mentioned information required to be given by the respondent to the Secretary of State or as soon as practicable thereafter.

After paying the balance of the remuneration (less tax and social security contributions) to the employee, the respondent will not be further liable to the employee. However, the sum claimed in a Recoupment Notice is due from the respondent as a debt to the Secretary of State, whatever may have been paid to the employee, and regardless of any dispute between the employee and the Secretary of State as to the amount specified in the Recoupment Notice.

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**Multiple Schedule**

**Multiple: 6135 - Kasterlee Uk Limited**

<b>Case Number</b>	<b>Case Name</b>
2306007/2020	Mr Duarte Rodrigues -v- Kasterlee Uk Limited & Others
2306008/2020	Mrs Emilia Alvares de Souza -v- Kasterlee Uk Limited
2306009/2020	Mr Kofi Amponsah -v- Kasterlee Uk Limited
2306010/2020	Mrs Andreea Cristina Stefan -v- Kasterlee Uk Limited
2306011/2020	Mr Janusz Aronowski -v- Kasterlee Uk Limited
2306012/2020	Mrs Fatima Aveiro -v- Kasterlee Uk Limited
2306013/2020	Mrs Marilena Barbu -v- Kasterlee Uk Limited
2306014/2020	Mr Vidyanand Beedassee -v- Kasterlee Uk Limited
2306015/2020	Mrs Leidilaine Da Silva Vieira -v- Kasterlee Uk Limited
2306016/2020	Ms Linda de Melo -v- Kasterlee Uk Limited
2306017/2020	Mr Raimundo de Souza -v- Kasterlee Uk Limited
2306018/2020	Mrs Teresa Dos Reis Goncalves -v- Kasterlee Uk Limited
2306019/2020	Mr Megan Ferrao -v- Kasterlee Uk Limited
2306020/2020	Mr Ransley Godinho -v- Kasterlee Uk Limited
2306021/2020	Mrs Mariola Barbara Hebda -v- Kasterlee Uk Limited
2306022/2020	Mr Robert Hebda -v- Kasterlee Uk Limited
2306023/2020	Miss Yunelkis Horruntiner -v- Kasterlee Uk Limited
2306024/2020	Ms Cecilia Ionascu -v- Kasterlee Uk Limited
2306025/2020	Mr Andrew Kelly -v- Kasterlee Uk Limited
2306026/2020	Miss Jacqueline Little -v- Kasterlee Uk Limited
2306027/2020	Mr Nanu Miah -v- Kasterlee Uk Limited
2306028/2020	Miss Danila Neto -v- Kasterlee Uk Limited
2306029/2020	Mr Carlos Pomarico Orozco -v- Kasterlee Uk Limited
2306030/2020	Mrs Clarina Rodrigues -v- Kasterlee Uk Limited
2306031/2020	Mr Pratap Shrestha -v- Kasterlee Uk Limited
2306032/2020	Miss Barbara Surowiec -v- Kasterlee Uk Limited
2306033/2020	Ms Beata Suszek -v- Kasterlee Uk Limited