



# EMPLOYMENT TRIBUNALS

**Claimant:** Unite the Union

**Respondent:** JD Norman Lydney (In Administration)

## CORRECTED 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.
6. **The start date of the award is 2 May 2020 and the number of days' pay to be paid per employee is 30 days.**

### **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**

Amended Judgment sent to the parties: 12 April 2022

FOR THE TRIBUNALS OFFICE