



EMPLOYMENT TRIBUNALS

Claimant: Mr P Thomas

Respondents: Shearings Limited

JUDGMENT BY CONSENT

[case number in header corrected pursuant to the slip rule]

AND UPON the 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. Permission for the claims presented by the Claimant proceed against the First Respondent, and the lifting of the moratorium in relation to those claims, is granted by the administrators of the Respondent.

2. Protective Award

- 2.1 The Claimant was employed by the Respondent.
- 2.2 On 22 May 2020, the Claimant was dismissed by reason of redundancy.
- 2.3 The Respondent failed to adequately comply with a requirement of section 188 of the Trade Union & Labour Relations (Consolidation) Act 1992 and the claim for a protective award brought under section 189 of the Trade Union & Labour Relations (Consolidation) Act 1992 succeeds.
- 2.4 The Respondent is Ordered to pay remuneration to the Claimant for a protected period of 60 days beginning on 22nd May 2020 (being the date on which the dismissal to which the complaint relates took effect).
- 2.5 All further proceedings of the Claimant in this action be stayed and all claims against any named Respondent other than the Respondent are dismissed on withdrawal.
- 2.6 The Recoupment Regulations apply to this award.

3. Preferential debts

- 3.1 Subject to the normal categories of preferential debts set out in Schedule 6 of the Insolvency Act 1986, any payments made by the First Respondent (rather than the Secretary of State) pursuant to this Judgment will be paid as an unsecured dividend.

4. Costs

- 4.1 There shall be no Order as to costs and each party shall bear their own costs in these proceedings.

Employment Judge Dyal

Date 21.12.2021

Corrected on 04.05.2022