



EMPLOYMENT TRIBUNALS

Claimants: Mr P O'Brien

Respondents:

1. Shearings Ltd (in administration)
2. Secretary of State for Business, Energy & Industrial Strategy

JUDGMENT BY CONSENT

UPON reading the joint application submitted by the Claimant and First Respondent on behalf of the parties and the Second Respondent having consented to that application.

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 claim presented by the Claimant to proceed against the First Respondent, and the lifting of the moratorium in relation to that claim, is granted by the administrators of the First Respondent.

2. Protective Award

2.1 The claimant was employed by the first respondent.

2.2 Beginning on the 22nd May 2020, the claimants were dismissed by the first respondent by reason of redundancy.

2.3 In relation to the Claimant, the First Respondent failed to adequately comply with a requirement of section 188 of the Trade Union & Labour Relations (Consolidation) Act 1992 and the claims for a protective award brought under section 189 of the Trade Union & Labour Relations (Consolidation) Act 1992 succeeds.

2.4 The First 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 first of the dismissals 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 First 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 Johnson

Date: 13 June 2022

JUDGMENT SENT TO THE PARTIES ON
15 June 2022

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FOR THE TRIBUNAL OFFICE