



EMPLOYMENT TRIBUNALS

Claimant:
Mrs S Abbott

v

Respondent:
Oasis Fashions Limited (in
administration)

JUDGMENT

1. The claimant's complaints of breach of contract, unauthorised deduction from wages and claims for holiday pay and a redundancy payment are dismissed on withdrawal by the claimant.
2. The claimant's complaint against the respondent of a failure to comply with the requirements of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 Act ('the Act') is well-founded. The claimant was a manager assigned to a unit made up of an area in which the respondent proposed to dismiss more than 20 employees.
3. The tribunal orders the respondent by way of a protective award under section 189(3) of the Act to pay to the claimant a payment equivalent to remuneration for the period of 90 days beginning on 15 April 2020.
4. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply to this award.
5. The tribunal makes an award under section 189 in favour of the claimant for the maximum protected period of 90 days beginning with 15 April 2020.
6. The respondent is advised of the provisions of Regulation 6 of the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 ('the Regulations').
7. Within 10 days of this decision being promulgated or as soon as is reasonably practicable, the respondent must comply with the provisions of Regulation 6 of the Regulations and, in particular, must supply to the Secretary of State the following information in writing: a) the name, address and national insurance number of every employee to whom the award relates; and b) the date of termination of the employment of each such employee.
8. The respondent will not be required to make any payment under the protective awards made until it has received a recoupment notice from the

Secretary of State or notification that the Secretary of State does not intend to serve a recoupment notice having regard to the provisions of Regulation 7(2). The Secretary of State must normally serve such recoupment notice or notification on the employer within 21 days of receipt of the required information from the first respondent.

9. More information is contained in the annex to this judgment.

Employment Judge Hawksworth

Date: 14 July 2022

Sent to the parties on: 18 July 2022

For the Tribunal Office

Note:

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions:

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