



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms H Discombe

**Respondent:** Norwegian Air Resources (UK) Limited (In Voluntary Liquidation)

**Heard at:** London South

**On:** 7 July 2022

**Before:** Employment Judge Cheetham QC

## Representation

Claimant: in person

Respondent: no attendance

## JUDGMENT

1. The Respondent failed in its duty to consult employee representatives under section 188 Trade Union & Labour Relations (Consolidation) Act 1992.
2. The Tribunal makes a protective award in respect of the Claimant and the Respondent will pay remuneration for the protected period of 80 days beginning with 29 January 2021, in the sum of £8,967.20.

## REASONS

1. The Claimant was employed by the Respondent from 14 January 2013 to 29 January 2021 as Base Chief Cabin Crew.
2. On 14 January 2021, the Respondent entered into voluntary liquidation and all employees were informed that they would be made redundant, without any consultation. The Claimant's employment ended without payment of notice and outstanding holiday pay and also with arrears of pay. The liquidators subsequently advised employees how to claim those arrears and also suggested a claim to the tribunal for a protective award.

3. The Claimant has been paid outstanding notice and holiday pay and also a redundancy payment, so her claim is limited to a protective award.
4. She referred to the Employment Tribunal's judgment in **BALPA v Norwegian Air Resources UK Ltd (In Liquidation), 2300938/2021**. This was a parallel case brought by the union, but arising out of the same facts and in which a protective award of 80 days was made. The Claimant therefore relied upon that decision and the Tribunal considered that to be an appropriate and helpful analogy. It made an award for the same protected period of 80 days.
5. The Claimant's daily rate of pay was £112.09 (based upon a monthly gross figure of £1,839), giving a total of £8,967.20.

---

Employment Judge Cheetham QC

---

Date 15 July 2022

JUDGMENT & REASONS SENT TO THE PARTIES ON  
Date 27 July 2022

.....  
FOR THE TRIBUNAL OFFICE