Case No: 2300571/2021



EMPLOYMENT TRIBUNALS

Claimant: Ms G Kyratzi

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 £4,850.40.
- 3. The Claimant is also entitled to be paid holiday pay in the sum of £1,758.27.

REASONS

- 1. The Claimant was employed by the Respondent from 15 February 2018 to 29 January 2021 as cabin crew.
- On 14 January 2021, the Claimant was informed by the Respondent that it was
 entering voluntary liquidation and that all employees would be made redundant,
 without any consultation. The Claimant's employment ended without payment

Case No: 2300571/2021

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 pay and also a redundancy payment, so her claim is limited to a protective award and also holiday pay.
- 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 £60.63 (based upon a monthly gross figure of £1,839), giving a total of £4,850.40.
- 6. In addition, the Tribunal accepted the Claimant's evidence that she is owed 29 days' holiday pay, which amounts to £1,758.27.

Employment Judge Cheetham QC
Date 15 July 2022
JUDGMENT & REASONS SENT TO THE PARTIES ON Date 3 August 2022
FOR THE TRIBLINAL OFFICE