



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4101731/2022

Mr Alan McIlwraith

Claimant

Roadbridge UK Limited (In Administration)

Respondent

JUDGMENT Rule 21 of the Employment Tribunal Rules of Procedure 2013

The Employment Judge has decided to issue the following judgment on the available material under rule 21.

1. The claimant is entitled to bring this claim for a protective award because the complaint concerns a failure relating to the election of employee representatives, and the claimant was an employee dismissed as redundant on 11 March 2022. There was no recognised trade union involved, and he was told he was being made redundant on the day the respondent went into administration.
2. No response was presented to this claim within the applicable time limit, which expired on 5 May 2022.
3. The respondent is a company in administration. On 27 May 2022, the joint administrators of the company, confirmed that they did not intend to defend any Tribunal actions and they granted consent for this claim to proceed, on the basis that

employees are awarded pay in line with the Redundancy Payments Office statutory limits and that there is no liability as to costs on the administration.

4. The complaint that the respondent failed to comply with a requirement of section 188 and section 188A of the Trade Union and Labour Relations (Consolidation) Act 1992 is well founded.
5. The respondent dismissed as redundant more than 20 employees at one establishment within a period of 90 days or less.
6. The respondent failed to ensure that employee representatives were elected in accordance with s.188A, and then to consult with them in accordance with s.188.
7. The Tribunal makes a protective award in respect of employees dismissed as redundant at the respondent's establishment at Seagreen Civil Works, Barry Road, Dundee, DD11 1ER, and the respondent is ordered to pay remuneration for the protected period. The protected period begins with 11 March 2022 and is for 90 days.

Employment Judge: Ian McPherson
Date of Judgment: 06 June 2022
Entered in register: 09 June 2022
and copied to parties