



EMPLOYMENT TRIBUNALS

Claimant: Mr M Van Leeuwen

Respondents: 1. STA Travel Limited (in Creditors' Voluntary Liquidation)
2. Secretary of State for Business, Energy and Industrial Strategy

Heard at: Manchester

On: 15 August 2022

Before: Employment Judge McDonald
(sitting alone)

REPRESENTATION:

Claimant: In person

For the 1st Respondent: Not represented, the claim having not been contested

For the 2nd Respondent: Not represented – written submission provided.

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant was employed within an establishment where the first respondent was proposing to dismiss as redundant 20 or more employees within the period of 90 days or less.
2. The first respondent failed to comply with the requirement to consult with the claimant prior to dismissing him and that was a breach of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992.
3. Under that Act the Tribunal makes a protective award in respect of the claimant. The first respondent is ordered to pay remuneration to him for a protected period of 90 days beginning on 2 September 2020.

4. The Employment Protection (Recoument of Jobseekers Allowance and Income Support) Regulations 1996 do not apply to this award.

NOTE

A protective award is a two-stage process. The Tribunal at this stage makes no financial award but gives a judgment that the claimant is entitled to a protective award in the terms set out above. The claimant must then seek payment of his award from the first respondent (or the Secretary of State), quantifying the same.

Failure to pay (should that occur), or any dispute as to the amount payable, then becomes a matter for a further separate claim under s.192 of the Trade Union and Labour Relations (Consolidation) Act 1992 for payment of the award.

Employment Judge McDonald
Date: 15 August 2022

JUDGMENT SENT TO THE PARTIES ON
16 August 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

Judgments and 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.