



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4108754/2021 & 4108755/2021

Employment Judge M Whitcombe

Alexander Cameron Miller

First claimant

David Colman

Second claimant

Rhys Davies and Sons 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 claimants are entitled to bring this claim because none of the situations in s.189(1)(a), (b) or (c) of the Trade Union and Labour Relations (Consolidation) Act 1992 apply and the claimants were both employees dismissed as redundant.
2. No response was presented to this claim within the applicable time limit.
3. The respondent is in administration but the administrator consented to the continuation of these proceedings in an email dated 12 July 2021.
4. The complaint that the respondent failed to comply with requirements 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 both claimants and the respondent is ordered to pay remuneration for the protected period. The protected period begins with 8 December 2020 in Mr Colman's case and 23 December 2020 in Mr Miller's case and is for 90 days in each case.

Employment Judge: Mark Whitcombe
Date of Judgment: 16 July 2021
Entered in register: 26 July 2021
and copied to parties