



# EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4104289/2020

Employment Judge P O'Donnell

Mr G Stich

Claimant

Hendersons of Hanover Street (In Liquidation)

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 because the complaint concerns a failure relating to the election of employee representatives, and the claimant was an employee dismissed as redundant.
2. No response was presented to this claim within the applicable time limit.

3. The complaint that the respondent failed to comply with a requirement of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 is well founded.
4. 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 whose dismissal has failed to comply with a requirement of s.188 and the respondent is ordered to pay remuneration for the protected period. The protected period begins with 31 May 2020 and is for 90 days.

Employment Judge: Peter O'Donnell  
Date of Judgment: 24 May 2021  
Entered in register: 01 June 2021  
and copied to parties