

EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4100062/2021 & others per attached schedule

Employment Judge S MacLean

Mr S McCallum

Claimant

(and others per attached schedule)

Barrochan Limited (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 respondent is in compulsory liquidation but the relevant court granted permission for the continuation of these proceedings on 21 September 2021 .
4. The complaint that the respondent failed to comply with a requirement of section 1 88 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 Unit 3, Imperial Park, West Avenue, Linwood, PA32FB and the respondent is ordered to pay remuneration for the protected period. The protected period begins with 10 September 2020 and is for 90 days.

Judge: Shona MacLean
Date of Judgement: 22 August 2021
Entered in register: 26 August 2021 and
copied to parties

Multiple Schedule

Multiple: 9636 - Barrochan Limited (in Liquidation)

Case Number	Claimant
4100062/2021	Mr Stephen McCallum
	Mr Mark Antony Brady
4100063/2021	
	Mr Seoras MacKenzie Campbell
4100064/2021	
	Mr Alexander Dorans
4100065/2021	
	Mr Peter Flanagan
4100066/2021	
	Mr John Gentle
4100067/2021	
	Mr Scott Gibbons
4100068/2021	
	Mr Steven Graham
4100069/2021	
	Mr Colin Harrower
4100070/2021	

Mr Ben Lauchlan

4100071/2021

Mr Daniel McAllister

4100072/2021

Mr Gary McAllister

4100073/2021

Mr Andrew McCafferty

4100074/2021

Mr Lee McCallum

4100075/2021

Mr Stephen McCallum

4100076/2021

Mr Kailum McGinn

4100077/2021

Mr Martin McKellar

4100078/2021

Mr John Ross McKinnon

4100079/2021

Mr Ross Kenneth McNally

4100080/2021

Mr Joseph Murray

4100081/2021

Mr Jack James Nelson

4100082/2021

Mr David Robertson

4100083/2021

Mr David Snelling

4100084/2021

Mr Robert Speirs

4100085/2021

Mr Gordon Stalker

4100086/2021

Mr Ian Tait

4100087/2021

Mr Blair Murray Waterston

4100088/2021

Mr James Wilson

4100089/2021