



# EMPLOYMENT TRIBUNALS (SCOTLAND)

**Case Number: 4107037/2020 and Others  
(As per attached Schedule)  
Multiple Ref 7583**

**Employment Judge R Gall**

**Mr M Batko & Others  
(As per attached Schedule)**

**Claimants**

**Casual Dining Services 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 the complaint concerns a failure relating to the election of employee representatives, and the claimants are 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 a letter dated 18 May 2021.
4. The complaint that the respondent failed to comply with a requirement of 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:- Mrs M Kubiak, Miss M Bercikova, Mr M R Batko, Miss L D Collingridge, Mr C Sokolowski, Mr L S Hawkins, Miss T Matranga and Miss M Kolarovska and the respondent is ordered to pay remuneration for the protected period. The protected period begins with **2 July 2020 and is for 90 days.**

Judge: Robert Gall

Date of Judgement: 29 October 2021

Entered in register: 04 November 2021

and copied to parties

## Multiple Schedule

Multiple:

9583 - Casual Dining Services Limited

Case Number	Case Name
4107037/2020	Mr Mariusz Robert Batko -v- Casual Dining Services Limited (dissolved)
4107038/2020	Miss Marcela Bercikova -v- Casual Dining Services Limited
4107039/2020	Miss Lyndsey Dawn Collingridge -v- Casual Dining Services Limited
4107040/2020	Mr Lee Stewart Hawkins -v- Casual Dining Services Limited
4107041/2020	Miss Margareta Kolarovska -v- Casual Dining Services Limited
4107042/2020	Mrs Malgorzata Kubiak -v- Casual Dining Services Limited
4107043/2020	Miss Tatiana Matranga -v- Casual Dining Services Limited
4107044/2020	Mr Czeslaw Sokolowski -v- Casual Dining Services Limited