



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4103877/2022

Employment Judge M Robison

Mrs A Maclean

Claimant

CMS Enviro Systems (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 claimant is entitled to bring this claim because the complaint concerns a failure to consult any appropriate employee representatives in accordance with section 188(1) of the Trade Union and Labour Relations (Consolidation) Act 1992..

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 10 August 2022.
4. The complaint that the respondent failed to comply with the requirement of section 188(1) 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 carry out any consultation at all with the appropriate representatives of affected employees in accordance with s.188.
7. The Tribunal makes a protective award in respect of the claimant as an employee based at the respondent's workplace at 10 Caisteal Road, Castlecary, North Lanarkshire, G68 0FS, who was dismissed as redundant and, in respect of whose dismissal the employer has failed to comply with a requirement of section 188. The respondent is ordered to pay remuneration for the protected period. The protected period begins with 5 May 2022 and is for 90 days.

Employment Judge: M Robison
Date of Judgment: 7 September 2022
Entered in register: 9 September 2022
and copied to parties