



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4105131/2022 and others (as per attached schedule)

Employment Judge L Doherty

Mr G Law and others (as per attached schedule)

Claimants

Whyte Crane Services Ltd (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 were 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 28 September 2022.
4. The complaint that the respondent failed to comply with a requirement of section 188 or 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 South Shore Road, Grangemouth, Falkirkshire, FK3 8TQ and the respondent is ordered to pay remuneration for the protected period. The protected period begins with 26 August 2022 and is for 90 days.

Employment Judge: L Doherty
Date of Judgment: 28 October 2022
Entered in register: 31 October 2022
and copied to parties

Multiple Schedule

Multiple:

4100295 - Whyte Crane Services Ltd

Case Number	Case Name
4105131/2022	Mr George Law
4105132/2022	Mr Thomas Rankine
4105133/2022	Mr Gary McGinty
4105134/2022	Mr Christian Evans
4105135/2022	Mr Steven Duncan
4105136/2022	Mr Dennis Marshall
4105137/2022	Mr Edward McGladrigan
4105138/2022	Mr Gordon Ferguson
4105139/2022	Ms Stacey Carlin
4105140/2022	Mr Alasdair Bulloch
4105141/2022	Mr David Burns
4105142/2022	Mr William Docherty
4105143/2022	Mr Ainzley Bell
4105144/2022	Mr William Brown
4105145/2022	Mr Brendan Burns
4105146/2022	Mr Henry McCann
4105147/2022	Mr Christopher Dick
4105148/2022	Mr Ross McAteer
4105149/2022	Mr Neil Leonard
4105150/2022	Mr Robert Culpin
4105151/2022	Mr Davie Leiper
4105152/2022	Mr William Fontana