



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4104918/2022

Employment Judge L Doherty

Mr B Boyle

Claimant

CMS Enviro Systems 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 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 administration but the administrator consented to the continuation of these proceedings in a letter dated 24 November 2022.
4. 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.
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 the claimants as employees who were dismissed as redundant at the respondent's workplace at CMS Castlecary, Caisteal Road, Glasgow, Lanarkshire, G68 0FS and the respondent is ordered to pay remuneration for the protected period. The protected period begins with 05 May 2022 and is for 90 days.

Employment Judge: L Doherty
Date of Judgment: 06 December 2022
Entered in register: 06 December 2022
and copied to parties