



EMPLOYMENT TRIBUNALS

Claimant: Mrs S Pask
Mr J Kowalski

Respondent: EVCL Three Limited (In Administration)

JUDGMENT BY CONSENT

1. The Respondents were formally known as EVCL Cargo Logistics (and before that NFT Distribution Limited) before further operational changes in 2021 lead to the name change to EVCL Chill Limited and the further creation of EVCL One Limited, EVCL Two Limited and EVCL Three Limited.

2. On 24 September 2021 EVCL appointed Joint Administrators, namely Helen Laura Wheeler-Jones, Edward Williams and David Matthew Hammond to manage their affairs, businesses and properties as agents and without personal liability.

3. The Claimants were employed by the Respondent.

4. The Claimants were dismissed by the Respondent by reason of redundancy.

5. The Respondent did not fully inform and consult with the Claimants in accordance with the provisions of s.188 and s.188A of The Trade Union and Labour Relations (Consolidation) Act 1992 ("the Act").

6. The Claimants have raised a complaint pursuant to section 189 of the Act seeking a protective award in respect of that failure.

7. The Company acting by its joint administrators is prepared to lift the stay on proceedings to allow claims for a protective award only to proceed.

8. The Tribunal makes a protective award in favour of the claimants and orders the Respondent(s) to pay remuneration for a protected period of 90 days beginning on each Claimant's redundancy date.

9. Any amounts of the protected award referred to in paragraph 8 above that are not paid by the Redundancy Payments Service ("RPS") (in accordance with its own regulations and limits) will rank as ordinary unsecured claims against the Administration.

10. There is no order requiring any party to pay or reimburse another party's costs or fees. Each party shall bear their own costs and fees

Employment Judge Bedeau

Date: ____9 November 2022__

JUDGMENT SENT TO THE PARTIES ON

.....29 December 2022.....

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FOR THE TRIBUNAL OFFICE