



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4103033/2022

Employment Judge M Whitcombe

Mr Mark McLeod

Claimants

(and others whose names and
addresses appear in the attached schedule)

Gibson Direct Ltd (in liquidation)

First Respondent

Secretary of State for
Business Energy and Industrial
Strategy

Second Respondent

RECONSIDERATION JUDGMENT

Having considered the claimant's application, and in the absence of any opposition or response to the Tribunal's letter of 13 December 2022 from either respondent, the Employment Judge has decided to vary the judgment previously issued under rule 21 as set out below. The interests of justice are such that the application for reconsideration will be allowed, even though it was made significantly out of time. The written submission made on behalf of the claimant and on which the original rule 21 judgment was based contained a

crucial error in relation to the protected period, which was then repeated in the judgment. It is corrected in this varied judgment.

- 1 . The claimants are each entitled to bring this claim because the complaint concerns (in part) a failure relating to the election of employee representatives, and each of the claimants was both an affected employee and also an employee who was dismissed as redundant. Alternatively, none of the situations in s.189(1)(a), (b) or (c) of the Trade Union and Labour Relations (Consolidation) Act 1992 apply and the claimants were all employees dismissed as redundant.
2. No response was presented by the First Respondent to this claim within the applicable time limit. In a letter dated 1 June 2022 the liquidators of the First Respondent indicated that they did not contest the claim and consented to it proceeding to judgment.
3. The complaint that the first respondent failed to comply with a requirement of section 188 and section 188A of the Trade Union and Labour Relations (Consolidation) Act 1992 is well founded. The respondent dismissed as redundant more than 20 employees at one establishment within a period of 90 days or less. There was neither a recognised trade union nor any other appropriate employee representatives, but 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.
4. The Tribunal makes a protective award in respect of each of the claimants and the respondent is ordered to pay remuneration for the protected period. The protected period begins with **6 April 2022** and is for **90 days**. The First Respondent is ordered to pay the relevant sums to each of the claimants.

Employment Judge: M Whitcombe
Date of Judgment: 31 January 2023
Entered in register: 6 February 2023 and
copied to parties

Multiple Schedule

Multiple:

4100225 - GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd

Case Number	Case Name
4103033/2022	Mr Mark McLeod -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103034/2022	Mr mark mcLeod -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103035/2022	Mr alessandro matteo -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103036/2022	Mr neil ellis -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103037/2022	Mr andrew anderson -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103038/2022	Mr john adamson -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103039/2022	Mr john kerr -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103040/2022	Mr ryan morgan -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103041/2022	Mr stuart gordon -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103042/2022	Mr graeme jolly -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103043/2022	Mr andrew raeburn -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103044/2022	Mr alan waddell -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103045/2022	Ms irene waddell -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103046/2022	Mr ross gibson -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103047/2022	Mr peter carmichael -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103048/2022	Mr anthony dobbie -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103049/2022	Mr christopher ingram -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103050/2022	Mr david gillan -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103051/2022	Ms elaine weir -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103052/2022	Mr marc mcculloch -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103053/2022	Mr gordon mcquillan -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103054/2022	Mr james sargent -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others
4103055/2022	Mr robert gibson -v- GIBSON DIRECT LTD (In Liquidation) C/O Begbies Traynor Group Ltd & Others