



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4101188/2022 & Others

Employment Judge M Robison

H Gibbons

Claimant

(and others per attached schedule)

Iain Potter Construction Ltd (In Liquidation)

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 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 these claims within the applicable time limit.
3. The respondent is in compulsory liquidation but the relevant court granted permission for the continuation of these proceedings on 25 November 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 claimants as employees based at the respondent's workplace at 20 Craignethan Road, Castlehill Industrial Estate, Carluke, ML8 5WB, who were 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 2 November 2022 and is for 90 days.

Employment Judge: Muriel Robison
Date of Judgment: 13 February 2023
Entered in register: 14 February 2023
and copied to parties

Multiple Schedule

Multiple: **4100185 - Iain Potter Construction Ltd (In liquidation)**

Case Number	Case Name
4101188/2022	Heather Gibbons & Others -v- Iain Potter Construction Ltd (In liquidation)
4101189/2022	Kieran Johnston -v- Iain Potter Construction Ltd (In liquidation)
4101190/2022	Alan Ross -v- Iain Potter Construction Ltd (In liquidation)
4101191/2022	Mr Robert Watt -v- Iain Potter Construction Ltd (In liquidation)