



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4106894/2022

Employment Judge M Whitcombe

Mr M Tumblety

Claimant

Ivanhoe Caledonian Printing Company Limited (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 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 compulsory liquidation but the relevant court granted permission for the continuation of these proceedings on 28 March 2023.
4. The complaint that the 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.
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 claimant as an employee dismissed as redundant at the respondent's premises at Riverside Works Eskmills, Musselburgh, EH21 7PE and the respondent is ordered to pay remuneration for the protected period. The protected period begins with 1 August 2022 and is for 90 days.

Employment Judge: M Whitcombe
Date of Judgment: 03 April 2023
Entered in register: 04 April 2023
and copied to parties