



# EMPLOYMENT TRIBUNALS

**Claimants:** (1) Mr C Potter  
(2) Mr B Lee & Others

**Respondents:** (1) Orthios (Anglesey) Technologies Ltd (In Administration)  
(2) Secretary of State for Business, Energy and Industrial Strategy

**Heard at:** By video **On:** 3 April 2023

**Before:** **Employment Judge S Moore**

**Mr M Lewis**

**Mrs J Beard**

## **Representation**

**Claimants :** (1) Ms Brodie, Solicitor  
(2) Ms Hall, CAB

**Respondents :** Did not attend

# JUDGMENT

1. On 30 March 2022:

- a) The first respondent's premises at London Road, Penrhos Works, Holyhead LL65 2UX constituted an establishment for the purpose of S188 of the Trade Union and Labour Relations (Consolidation) Act 1992 ("TULR(C)A 1992");
- b) There was no recognised trade union or appointed or elected employee representatives for the purpose of S188 (1B) of TULR(C)A 1992.

2. The claimants complaints that the First Respondent failed to comply with a requirement of S188 of TULR(C)A 1992 is upheld.

3. The Tribunal makes a protective award in favour of the claimants.
4. The First Respondent is ordered to pay to the claimants remuneration for the protected period of 90 days beginning on 31 March 2022.

10.2 Judgment - rule 61  
2018

February

Employment Judge S Moore

Date: 3 April 2023

JUDGMENT SENT TO THE PARTIES ON 5 April 2023

FOR THE TRIBUNAL OFFICE Mr N Roche

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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