



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr E Temperton

**First Respondent:** Mechanical Facilities Limited (In Administration)

**Second Respondent:** Secretary of State for Business, Energy or Industrial Strategy

**HEARD :** In Leeds (papers only)

**ON:** 4 April 2023

Adjourned for further information

**Employment Judge JM Wade (in chambers)**

Upon considering the claims and the response of the Second Respondent and having considered the claimant's further information, and no party having objected to determination on paper:

## JUDGMENT

- 1 It was not reasonably practicable for the claimant to present his claim on time. I consider the period up to and including 24 August 2022 such period as is reasonable for him to have presented it, such that the Tribunal can determine the complaint.
- 2 The Respondent failed adequately to comply with a requirement of section 188 of the Trade Union & Labour Relations (Consolidation) Act 1992 and the claimant's claim for a Protective Award under section 189 of the Trade Union & Labour Relations (Consolidation) Act 1992, is well founded and succeeds.
- 3 The First Respondent is ordered to pay to the claimant remuneration for a protected period of 90 days beginning on 5 April 2022 (being the date on which the first of the dismissals to which the complaint relates took effect).
- 4 The recoupment regulations apply.

Employment Judge JM Wade  
17 April 2023