



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr B Herman and others named on the attached schedule

**Respondent:** Harper's Environmental Limited (in administration)

## JUDGMENT ON LIABILITY

Employment Tribunals Rules of Procedure 2013 – Rule 21

The Judgment of the Employment Tribunal is as follows:

1. The claimants' claims for a protective award under section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992 are well-founded.
2. The respondent is ordered to pay to the claimants a protective award under section 189 (3) of the Trade Union and Labour Relations (Consolidation) Act 1992 equivalent to remuneration for the period of 90 days beginning on 31 August 2022.
3. The Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations 1996 apply to this award.

### REASONS

1. The claimants made an application to the Employment Tribunal on 9 November 2022 claiming a protective award for failure to consult prior to the respondent organisation ceasing to trade on 31 August 2022. The respondent was required to file a response by 9 December 2022. The respondent is in administration and has failed to file a response. The administrators gave their consent for the protective award claims to proceed in the Employment Tribunal on 30 March 2023.
2. The Secretary of State for Business, Energy & Industrial Strategy was notified of the claims as an interested party and made written representations which were received by the Tribunal on 21 November 2022.
3. The above Judgment has been entered on the basis of the information provided by the claimants on the ET1 form.

**Employment Judge Arullendran**

Date: 15 May 2023

**Case No: 2502159/2022 and others itemised on the attached schedule**

**Schedule**

2502159/2022 Mr Barry Herman  
2502160/2022 Ms Caroline Green  
2502161/2022 Mr Christopher Harrison  
2502162/2022 Mr Christopher Farnaby  
2502163/2022 Mr David Heightley  
2502164/2022 Mr Dominique Rowling  
2502165/2022 Mr Erron Wilkinson  
2502166/2022 Mr Ian Fenny  
2502167/2022 Mr James Eston  
2502168/2022 Mr Jason Griffiths  
2502169/2022 Mr Jonathan Bowell  
2502170/2022 Mr Keith Rutherford  
2502171/2022 Mr Lee Haylette  
2502172/2022 Mr Lee Mccabe  
2502173/2022 Mr Lee Wedgwood  
2502174/2022 Mr Lewis Watson  
2502175/2022 Mr Leyton Mounty  
2502176/2022 Ms Louise Mcfarlane  
2502177/2022 Ms Lucy Lawson  
2502178/2022 Mr Malcolm Kenyon  
2502179/2022 Mr Mark Lawson  
2502180/2022 Mr Martin Barber  
2502181/2022 Mr Matthew Dawson  
2502182/2022 Ms Maxine Mcgee  
2502183/2022 Mr Michael Hollywood  
2502184/2022 Mr Michael Cook  
2502185/2022 Mr Otis Green  
2502186/2022 Mr Paul Metcalfe  
2502187/2022 Mr Whitney Paul Robinson  
2502188/2022 Mr Philip Bache  
2502189/2022 Mr Philip Evans  
2502190/2022 Mr Philip Patterson  
2502191/2022 Mr Sean Barnard  
2502192/2022 Ms Tracie Winn  
2502193/2022 Mr Adam Shipley  
2502194/2022 Ms Candice Richardson  
2502195/2022 Mr Darren Brogan  
2502196/2022 Mr David Osguthorpe  
2502197/2022 Mr David Beatie  
2502198/2022 Mr David Gouldstone  
2502199/2022 Mr Gary Hart  
2502200/2022 Mr James Young  
2502201/2022 Mr John Thornton  
2502202/2022 Mr Kevin Wragg

**Case No: 2502159/2022 and others itemised on the attached schedule**

2502203/2022 Mr Michael Fentiman  
2502204/2022 Mr Neil Smith  
2502205/2022 Mr Paul Dunn  
2502206/2022 Mr Philip Bettison  
2502207/2022 Ms Susan Turner