



EMPLOYMENT TRIBUNALS

Claimants: (1) Mr Christopher Pinion (3300210/2022)
(2) Mr Paul Tickner (3300239-3300241/2022)
(3) Ms Alyson Tropeano (3300822-3300823/2022)

Respondents: (1) 316 Engineering Limited (in Administration)
(2) Secretary of State for Business Energy and Industrial Strategy/
Mazars LLP

Heard at: Cambridge Employment Tribunal **On:** 30 March 2023

Before: Employment Judge Hanning

Appearances

For the Claimants: Mr C Pinion, Mr P Tickner and Ms A Tropeano

For the Respondents: Did not attend and were not represented

JUDGMENT

The first respondent failed to submit a Response to the claims and the administrator has given consent for them to proceed.

Upon hearing evidence from the claimants and on the information before me including the written submissions made by the second respondent

The decision of the Employment Judge is:

- 1) The claimants worked at a single establishment at which there was no recognised trade union.
- 2) The first Respondent failed to:
 - a) organise the election of employee representatives and to consult with them in accordance with sections 188 and 188A of Trade Union and Labour Relations (Consolidation) Act 1992 (“TULRCA”).
 - b) provide any of the information prescribed by section 188(4) of TULRCA; and
 - c) consult as required and envisaged by sections 188(1) and (2) of TULRCA.

- 3) Accordingly, the Tribunal declares that the claimants' complaints pursuant to TULRCA section 189 are well founded and succeed.
- 4) The Tribunal makes a protective award in favour of the claimants that the first respondent pay remuneration to each of the claimants named above for a protected period of 90 days beginning on 3 December 2021.
- 5) The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply to these awards.

Notes

- 1) *A protective award is a two-stage process. The tribunal at this stage makes no financial award, but gives a judgment that the claimants are entitled to a protective award in the terms set out above. The claimants must then seek payment of their individual awards from the respondent, quantifying the amount.*
- 2) *Failure to pay (should that occur), or any dispute as to the amount payable, then becomes a matter for a further separate claim under s192 of the Trade Union and Labour Relations (Consolidation) Act 1992 for payment of the award.*

Employment Judge Hanning

Date: 18/4/2023

Sent to the parties on: 12/5/2023

N Gotecha
For the Tribunal Office

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Note

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.