



EMPLOYMENT TRIBUNALS

Claimant: Mr J Densham
Respondents: 1. Almor Limited (In Administration)
2. Secretary of State for Business Energy & Industrial Strategy

Heard at: Nottingham **On:** 29 June 2023

Before: Employment Judge Millns

Representation:

Claimant: Mr J Densham (unrepresented)

Respondents: Not appearing

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 Claimant and on the information before me including written submissions made by the second Respondent

1. The Claimant's claim for unpaid notice pay is dismissed upon withdrawal by the Claimant.

2. The Claimant's claim for unpaid holiday pay is dismissed.
3. The Claimant worked at a single establishment at which there was no recognised trade union.
4. The first Respondent failed to 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").
5. Accordingly, the Claimant's complaint pursuant to TULRCA section 189 is well founded and succeeds.
6. By way of a protective award under section 189(3) of the 1992 Act, the first Respondent must pay to the claimant a payment equivalent to remuneration for the period of 90 days beginning on 11 July 2022.
7. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply to this award.

Employment Judge Millns

Date: 29 June 2023

JUDGMENT SENT TO THE PARTIES ON

.....
AND ENTERED IN THE REGISTER

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FOR THE TRIBUNAL OFFICE

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 claimant is entitled to a protective award in the terms set out above. The claimant must then seek payment of his individual award 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.
3. 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. If written reasons are provided, they will be displayed on the tribunal's online register of judgments, which is visible to internet searches.