



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4103327/2022 & 6 others

Employment Judge S MacLean

Mr A Molloy

Claimant

(And 6 others per attached schedule)

Braisby Roofing Limited (In Liquidation)

Respondent

JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

The Employment Judge has decided to issue the following judgment on the available material under rule 21.

1. The claimants are entitled to bring this claim because the complaint concerns a failure relating to the election of employee representatives, and the claimant was an employee dismissed as redundant.
2. No response was presented to the claim within the applicable time limit.

3. The respondent is in compulsory liquidation but the relevant court granted permission for the continuation of these proceedings on 6 July 2023.
4. The complaint that the respondent failed to comply with a requirement of section 188 and section 188A of the Trade Union and Labour Relations (Consolidation) Act 1992 is well founded.
5. The respondent dismissed as redundant more than 20 employees at one establishment within a period of 90 days or less.
6. The respondent failed to ensure that employee representatives were elected in accordance with S.188A, and then to consult with them in accordance with s.188.
7. The Tribunal makes a protective award in respect of the claimants as employees who were employed by the respondent at their premises at 24 Dickson Street, Street, Elgin Industrial Estate, Dunfermline, KY12 7SN and the respondent is ordered to pay remuneration for the protected period. The protected period begins with 27 May 2022 and is for 90 days.

Employment Judge: S Maclean
Date of Judgment: 15 September 2023
Entered in register: 18 September 2023
and copied to parties