



# EMPLOYMENT TRIBUNALS

**Claimant:** Unite the Union

**Respondent:** Arjowiggins Chartham Mill Limited (in administration) (1)

Secretary of State for Business & Trade (2)

**Heard at:** London Central (via CVP)

**On:** 15<sup>th</sup> September 2023

**Before:** Employment Judge Nicklin, sitting alone

## Representation

Claimant: Mr R O'Keefe, Counsel

Respondents: No attendance or representation from either Respondent

UPON neither Respondent contesting the claim and the Tribunal proceeding to hear the evidence and decide the claim by a judge sitting alone in accordance with section 4(2) and (3)(g) of the Employment Tribunals Act 1996

# JUDGMENT

It is the judgment of the Tribunal that:

1. The Claimant was a union recognised by the First Respondent for the purposes of consultation as regards redundancies and in respect of its obligations to consult with the Claimant pursuant to section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 ("TULRCA 1992").
2. The First Respondent failed to comply with its consultation obligations in section 188 of TULRCA 1992 in respect of the redundancy dismissals of the class of its employees whom the Claimant represented as members as at 22<sup>nd</sup> September 2022 ("the Class of Employees").
3. The Claimant's complaint for a protective award is well-founded and succeeds in respect of the Class of Employees.
4. The First Respondent shall pay remuneration (that is, a protective award) to those in the Class of Employees (as defined above) which includes, for the avoidance of doubt, the named individuals set out in the Schedule to this judgment below.

5. The protective award is for a period of 90 days commencing on 22<sup>nd</sup> September 2022, being the date on which the first of the dismissals to which the complaint relates took effect.

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**Employment Judge Nicklin**

**Date 15<sup>th</sup> September 2023**

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JUDGMENT SENT TO THE PARTIES ON

15/09/2023

FOR THE TRIBUNAL OFFICE

Notes

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.

**Public access to employment tribunal decisions**

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

<b>Dismissal</b>	<b>First Name</b>	<b>Surname</b>
30/11/2022	James	Supple
22/09/2022	Lee	O'Brien
30/11/2022	Heidi	Walder
22/09/2022	Dean	Brockman
22/09/2022	Christopher	Morgan
22/09/2022	Scott	Collins
22/09/2022	John	Duncan
22/09/2022	Aaron	Cross
30/11/2022	Paul	Simmers
22/09/2022	Mark	Hann
22/09/2022	Thomas	Jarvis
22/09/2022	Ben	Memory
22/09/2022	Sam	Staunton
22/09/2022	Joshua	Cheeseman
22/09/2022	Royston	Hare
22/09/2022	Lloyd	Davey
22/09/2022	Neil	Wakefield
22/09/2022	Bradley	Harper
31/10/2022	Michael	Tuff
22/09/2022	Steven	Swann
30/11/2022	Sean	Hills
22/09/2022	Simon	White
30/11/2022	Dave	Dix
22/09/2022	Paul	Hough
22/09/2022	Terence	Supple
30/11/2022	Colin	Eva
22/09/2022	Christopher	Baker
30/11/2022	Barry	Baker
22/09/2022	Andrew	Brockman
22/09/2022	Maurice	Crooks
22/09/2022	Ian	Hubbard
22/09/2022	Nicholas	Harrison
22/09/2022	Mark	Hobday
22/09/2022	Jonathan	Jones
22/09/2022	David	Nicholls
23/09/2022	Rodney	Swann
22/09/2022	Brian	Staunton
16/12/2022	Susan	Sims
22/09/2022	Derek	Small
30/11/2022	Graham	Theobald
22/09/2022	John	Wraight
22/09/2022	Colin	Saunders
30/11/2022	Andrew	Dunning
22/09/2022	Lee	Kirkness
22/09/2022	Steve	Kelly
22/09/2022	Anthony	Eldridge
31/10/2022	Andrew	Smith

22/09/2022	Simon	Jeffries
		Cromey-
22/09/2022	Keith	Hawke
22/09/2022	Haydon	Simmonds
22/09/2022	David	Wright