



# **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case Number: 4104211/2023 & 45 Others**

**Employment Judge M Robison**

**Mr D Wylie**

**Claimant**

**Yes Recycling (Fife) Ltd**

**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 claimant is 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 this claim within the applicable time limit.
3. The respondent is in administration but the administrator consented to the continuation of these proceedings in a letter dated 16 October 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 employees dismissed by the respondent as redundant at the respondent's workplace at Lomond House, Whitehill Industrial Estate, Glenrothes, Fife, KY6 2QZ and the respondent is ordered to pay remuneration for the protected period. The protected period begins with 2 June 2023 and is for 90 days.

**Employment Judge: M Robison**  
**Date of Judgment: 17 October 2023**  
**Entered in register: 20 October 2023**  
**and copied to parties**

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