



# EMPLOYMENT TRIBUNALS

**Claimants:** Mrs Jody Gerrard & Others

**Respondent:** (1) M Realisations 2020 Ltd (formerly Monsoon Accessorize Ltd) In Administration);  
**(2) A Realisations 2020 Ltd (formerly Accessorize Ltd) In Administration;** and  
**(3) Secretary of State for Business Energy and Industrial Strategy**

**Heard at:** Cambridge (by CVP) **On:** 22 February 2023

**Before:** Employment Judge Tynan

## Appearances

**For the Claimants:** Mrs J Gerrard, Lead Claimant

**For the First and Second Respondents:** Did not attend and **were** not represented

**For the Third Respondent:** **Written representations received**

## JUDGMENT

1. As at 1 June 2020:

(a) the Monsoon Accessorize stores in Hitchin, St Albans, Aylesbury, Welwyn Garden City and Stevenage (“Cluster 1”) together constituted an ‘establishment’ for the purposes of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 (“TULR(C)A 1992”);

(b) the Monsoon Accessorize stores in Milton Keynes, Milton Keynes - Debenhams concession, London Colney, Northampton, Rushden and Watford (“Cluster 2”) together constituted an ‘establishment’ for the purposes of section 188 of TULR(C)A 1992; and.

(c) there was no recognised trade union or appointed or elected employee representatives for the purposes of section 188(1B) of TULR(C)A 1992.

2. The First **and Second** Respondents’ duty under section 188(1) of TULR(C)A 1992 was triggered in relation to employees at the Cluster 1 and Cluster 2 establishments by no later than 1 June 2020. The consultation period prescribed by section 188(1A) of TULR(C)A 1992 was 30 days in each case.

3. The First **and Second** Respondent breached **their** statutory obligations as follows:
  - (a) **They** failed to facilitate the appointment or election of employee representatives in accordance with section 188A of TULR(C)A 1992;
  - (b) **They** failed to provide any of the information prescribed by section 188(4) of TULR(C)A 1992; and
  - (c) **They** failed to consult as required and envisaged by sections 188(1) and (2) of TULR(C)A 1992.
4. The Tribunal declares that the Claimants' complaints pursuant to section 189 of section 188A of TULR(C)A 1992 are well founded.
5. The Tribunal makes a protective award in favour of the Claimants that the First **and Second** Respondent, **as appropriate**, shall pay remuneration to them for the protected period of 85 days **beginning on 9 June 2020**.

Employment Judge Tynan

Date: ...16 March 2023....

Sent to the parties on: .16 March 2023...

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For the Tribunal Office

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.

## Case Number: 3306206/2020 & Others

<b>Case Number</b>	<b>Case Name</b>
3306206/2020	Mrs Jody Gerrard
3306207/2020	Mrs Samantha Reid
3306208/2020	Miss Lidia Henche Cotton
3306209/2020	Miss Susan Leach
3306210/2020	Miss Lucy Ansell
3306211/2020	Mrs Clare Champion
3306212/2020	Mrs Christine Bird
3306213/2020	Miss Salima Begum
3306214/2020	Mrs Emma Simpkins
3306215/2020	Miss Ameena Moulten-Emanuel
3306216/2020	Miss Tamzin Antony
3306254/2020	Mrs Catherine Ford
3306255/2020	Mrs Wajeeha Hussain
3306256/2020	Mrs Ayesha Rasheed
3306257/2020	Miss Elizabeth Marie Berry
3306258/2020	Miss Lucy Corrigan
3306259/2020	Miss Amelia Barnard
3306285/2020	Mrs Hasna Chowdhury
3306286/2020	Miss Siobhan Coe
3306287/2020	Miss Lauren Cayton
3306288/2020	Miss Sajida Islam
3306392/2020	Mrs Saila Shaheen
3306393/2020	Miss Agnieszka Lenart
3306394/2020	Miss Atikah Saleem
3306395/2020	Miss Jumeirah Shabir
3306396/2020	Miss Maiko Yokouchi
3306634/2020	Miss Atifa Abdul-Jalil
3307832/2020	Miss Leena Golar
3310938/2020	Miss Ella Flavell-McNelliey