



EMPLOYMENT TRIBUNALS

Claimant: GMB Trade Union

Respondent: ITEC Packaging (Chester le Street) Limited “In Administration”

Rule 96 party: Secretary of State for Business and Trade

Heard at: Newcastle CFCTC by CVP **On:** 22 November 2023

Before: Employment Judge Arullendran

Representation:

Claimant: Ms S Maher (trainee legal executive)
Respondent: No attendance

JUDGMENT

The Judgment of the Employment Tribunal is as follows:

1. The title of the respondent is amended to add the words “In Administration”, as set out above.
2. The claimant’s claim that the respondent fails to comply with the requirements of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1982 is well founded.
3. The Tribunal orders the respondent, by way of protective award under section 189 (3) of the 1992 act, to pay a payment equivalent to remuneration for the period of 90 days beginning on 6 April 2023 to any of the respondent’s shop floor or factory floor employees for whom the claimant has a recognition agreement with the respondent, who were employed at the respondent’s site at Chester-le-Street and who were dismissed as redundant on or after 6 April 2023.
4. The Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations 1986 apply to these awards. The protected period is the period of 90 days beginning on 6 April 2023.

5. The respondent is advised of the provisions of Regulation 6 of the Employment Protection (Recoupment of Jobseeker's Allowance and Income Case No. 2501776/2021 2 Support) Regulations 1996, such that, within 10 days of the decision in these proceedings or as soon as is reasonably practicable, the respondent must comply with the provisions of Regulation 6 of the 1996 Regulations and, in particular, must supply to the Secretary of State the following information in writing: a. the name, address and national insurance number of the employee to whom the award relates; b. the date of termination of the employment of the employee.
6. The respondent will not be required to make any payment under the protective award until it has received a recoupment notice from the Secretary of State or notification that the Secretary of State does not intend to serve a recoupment notice having regard to the provisions of Regulation 7(2). The Secretary of State must normally serve such recoupment notice or notification on the employer within 21 days of receipt of the required information from the respondent.

Employment Judge Arullendran

Date: 22 November 2023

Note: This has been a remote hearing which has not objected to by the parties. The form of remote hearing was video. A face to face hearing was not held because it was not practicable, no-one requested the same and all the issues could be determined in a remote hearing.

Note: Reasons for the judgment having been given orally at the hearing and no request for written reasons having been made at the hearing, written reasons will not be provided unless 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 shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>