



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

CERTIFICATE OF CORRECTION Employment Tribunals Rules of Procedure 2013

Under the provisions of Rule 69, the Judgment sent to the parties dated 22 November 2023, is corrected as set out in block type at paragraphs 2 and 5.

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 failed to comply with the requirements of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 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 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: 29 November 2023

Important note to parties:

Any dates for asking for written reasons, applying for reconsideration or appealing against the judgment are not changed by this certificate of correction and corrected judgment. These time limits still run from the date the original judgment or reasons were sent, as explained in the letter that sent the original judgment.