



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4102652/2023

Employment Judge M Robison

Unite the Union

Claimant

Arjowiggins Scotland Limited (in Administration)

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 representatives of a trade union, and the claimant is the relevant union.
2. The respondent is in administration, but the administrator consented to the continuation of these proceedings in a letter dated 12 May 2023.
3. The response to the proceedings was struck out under Rule 37(1)(a) on 4 October 2023 although the respondent stated an intention to defend the claim.

4. The respondent proposed to dismiss as redundant more than 20 employees at one establishment, namely Stoneywood Mill, within a period of 90 days or less.
5. Employees covered by the collective bargaining unit (manual workers) were dismissed as redundant on 17 February 2023 by the respondent at their site at Stoneywood Mill.
6. The complaint that the respondent failed to comply with the requirement of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 to consult the union which represents employees affected by proposed dismissals before the first dismissal took effect is well founded.
7. The Tribunal makes a protective award. The respondent is ordered to pay remuneration for the protected period. The protected period begins 17 February 2023, the date on which the first of the dismissals to which the complaint relates took effect and is for 90 days.

Employment Judge: M Robison
Date of Judgment: 18 December 2023
Entered in register: 20 December 2023
and copied to parties