



# **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case Number: 4101263/2023 and others as per attached schedule**

**Employment Judge Jones**

**Mr Paul O'Brien and others as per attached schedule**

**Claimants**

**Raeburn Construction Services Ltd (In Compulsory Liquidation)**

**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 claimants are entitled to bring this claim because the complaint concerns a failure relating to the election of employee representatives, and the claimants were employees dismissed as redundant.
2. No response was presented to this claim within the applicable time limit.
3. The respondent is in compulsory liquidation, but the relevant court granted permission for the continuation of these proceedings on 02 November 2023.

4. The complaint that the respondent failed to comply with a requirement of section 188 or 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 each claimant and the respondent is ordered to pay remuneration for the protected period. The protected period begins with 11 November 2022 and is for 90 days.

**Employment Judge: A Jones**  
**Date of Judgment: 18 December 2023**  
**Entered in register: 20 December 2023**  
**and copied to parties**

## Judgment Schedule - 4101263/2023 & Others

Case Number	Claimant
4101264/2023	Mr Matthew Kerr
4101265/2023	Mr Craig Erskine
4101266/2023	Mr Grant MacDougall
4101267/2023	Mrs Leassa Dryburgh
4101269/2023	Mr Thomas McNicol
4101270/2023	Mrs Catherine MacKenzie
4101271/2023	Ms Plamena Savova
4101272/2023	Ms Lorraine Diston
4101273/2023	Ms Adriane Elder
4101274/2023	Mr Stuart Crighton

4101275/2023 Mr James Watson

4101276/2023 Mr Todd Fleming

4101277/2023 Mr Grant Guthrie

4101278/2023 Mr Michael James Downes

4101279/2023 Mr Derek Pryor

4101280/2023 Mr Mark Erskine

4101281/2023 Mr Macin Sionkowski

4101282/2023 Mr Bruce Barclay

4101914/2023 Mr Scott Raeburn

4101915/2023 Mrs Sarah Raeburn