



# **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case No: 4106816/2023 and others (per attached schedule)**

**Employment Judge M Whitcombe**

**Mr N G Troy and others (per attached schedule)**

**Claimants**

**Javacrest Limited (In Liquidation)**

**Respondent**

## **JUDGMENT**

### **Rule 21 of the Employment Tribunal Rules of Procedure 2013**

I have 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 the claims within the applicable time limit.
3. The respondent is in creditors' voluntary liquidation.

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 proposed to dismiss 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 TULRCA 1992, and then to consult with them in accordance with s.188 of that Act. In the absence of a response, no “special circumstances” defence has been put forward under section 188(7) TULRCA 1992, nor has the respondent put forward any basis on which the protected period should be shorter than 90 days.
7. I therefore make a protective award in respect of employees dismissed as redundant at the respondent’s establishment at “The 13<sup>th</sup> Note”, 50-60 King Street, Glasgow, G1 5QT, and the respondent is ordered to pay remuneration for the protected period. The protected period begins with 19 July 2023 and is for 90 days.

**Employment Judge: M Whitcombe**  
**Date of Judgment: 19 March 2024**  
**Entered in register: 21 March 2024**  
**and copied to parties**

## Multiple Schedule

**Multiple:** 4100570 - Javacrest Limited (In Liquidation)

<b>Case Number</b>	<b>Claimant</b>
4106816/2023	Mr Nicholas Gordon Troy
4106817/2023	Ms Kay Logan
4106818/2023	Ms Louise McWilliams
4106819/2023	Mr Magnus Jaffrey
4106820/2023	Mr Martin Downey
4106821/2023	Mr Scott Robertson
4106822/2023	Mr Brendan Armstrong
4106823/2023	Mr Liam Toner
4106824/2023	Miss Siannen McIlroy
4106825/2023	Ms Sever Armanca

4106826/2023

Ms Anna Cashin

**Respondent**

Javacrest Limited (In Liquidation)

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