



## **EMPLOYMENT TRIBUNALS (SCOTLAND)**

**Case Nos: 4100727/2022; 4111894/2021; 4100731/2022 and 4111898/2021**

**Employment Judge: M A Macleod**

5	<b>Mr Colin Robb</b>	<b>First Claimant</b>
10	<b>Ms Joanna Talbot</b>	<b>Second Claimant</b>
15	<b>The People's Energy Company Limited</b>	<b>First Respondent</b>
20	<b>People's Energy (Supply) Limited</b>	<b>Second Respondent</b>

### **JUDGMENT BY CONSENT**

The Judgment of the Employment Tribunal under Rule 64 of the Employment  
30 Tribunals (Constitution and Rules of Procedure) Regulations 2013 is that:

1. The claimants were employed by the first respondent and their place of work was 2 Wester Shawfair, Danderhall, Dalkeith EH22 1FD.
2. The first respondent is The People's Energy Company Ltd (In Administration), 1 West Regent Street, Glasgow G2 1RW. The first  
35 respondent was an energy trader.
3. The claimants have brought claims against the first and second respondents. However, the employing entity of the claimants at all material

times was the first respondent. This Judgment addressed and disposes of the claimants' claims against both respondents.

4. There were approximately 400 employees.
5. ON 24 September 2021, the first respondent entered administration.
- 5 6. The claimants were dismissed by the first respondent by reason of redundancy within the same 90-day period. The first of the dismissals to which these complaints relate took effect on 28 September 2021.
7. Although the first respondent informed the claimants of the need for redundancies, appointed employee representatives and consulted with  
10 those employee representatives, they were unable to inform and consult with the claimants to the full extent required by the provisions of section 188 and section 188A of the Trade Union and Labour Relations (Consolidation) Act 1992 ("the Act"), due to the requirements of the supplier of last resort process.
- 15 8. The claimants have raised a complaint pursuant to section 189 of the Act seeking a protective award in respect of that failure.
9. The claimants' claims are well founded, and succeed.
10. The protected period is 8 weeks, and each claimant is entitled to remuneration in respect of that period.
- 20 11. The Protective Award Payments shall not be an expense of the administration nor payable by the joint administrators of the first respondent.
12. The claimants' entitlement to the protective award payments shall rank and be distributed in due course to the claimants in the relevant proportion for creditors of the equivalent class, and in accordance with the Insolvency Act  
25 1986 and The Insolvency (Scotland) (Company Voluntary Arrangements and Administration) Rules 2018.

13. No order as to expenses is made.

**Employment Judge: M Macleod**  
**Date of Judgment: 13 May 2024**  
**Entered in register: 14 May 2024**  
**and copied to parties**

*I confirm that this is my Judgment in the case of Robb & Another v The People's Energy Company Limited (In Administration) and that I have signed the Judgment by electronic means.*