



EMPLOYMENT TRIBUNALS

Claimant: Mr C Hagger & Others

Respondent: (1) Jarvis Contracting Ltd (in administration)
(2) The Secretary of State for Business & Trade

JUDGMENT

- (1) The respondent has failed to comply with a requirement of section 188 of the Trade Union & Labour Relations (Consolidation) Act 1992. The claim for a protective award succeeds.
- (2) The Tribunal makes a protective award in respect of the claimants who worked at the respondent's establishment at 1 Waterside, Station Road, Harpenden, Hertfordshire AL5 4US and who were dismissed as redundant on or after 28 February 2023 that the employer pay remuneration for the protected period which begins on 28 February 2023 and is for a period of 90 days. The Recoupment Regulations apply.

REASONS

1. The claimants were employed at the same establishment at 1 Waterside, Station Road, Harpenden, Hertfordshire AL5 4US ("the establishment") and were made redundant on or after 28 February 2023.
2. There was no recognised trade union or elected employee representatives at the establishment.
3. 20 or more employees at the establishment were made redundant or placed at risk of redundancy, on or within 90 days of 28 February 2023.
4. The claimants were dismissed during this period without any consultation having taken place.

5. The last of the dismissals occurred on 28 February 2023, so all the claims were presented within the time limit contained in section 189(5)(b) of the Trade Union & Labour Relations (Consolidation) Act 1992.
6. The first respondent, which is in administration, has not filed a response but its administrators acknowledge not consulting with the claimants about redundancies and have given consent to these claims proceeding. The second respondent has filed a response to assist the Tribunal only and has no direct knowledge of events. In these circumstances it would be disproportionate to convene a hearing.
7. No reason has been established for departing from the principle that protective awards are punitive and should be for the maximum period unless there are circumstances making it just not to do so.

Regional Employment Judge Foxwell

Date: 11 June 2024

JUDGMENT SENT TO THE PARTIES ON

.....27 June 2024....

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FOR THE TRIBUNAL OFFICE

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Multiple Schedule

Multiple: 3301000 - JARVIS CONTRACTING LIMITED

Case Number	Case Name
3304901/2023	Mr Colin Hagger -v- JARVIS CONTRACTING LIMITED
3307850/2023	Mr Aaron Saba -v- JARVIS CONTRACTING LIMITED
3307851/2023	Mr Adam Rowlatt -v- JARVIS CONTRACTING LIMITED
3307852/2023	Mr Alan Harding -v- JARVIS CONTRACTING LIMITED
3307853/2023	Mr Alan Tucker -v- JARVIS CONTRACTING LIMITED
3307854/2023	Mr Andrew Bewley -v- JARVIS CONTRACTING LIMITED
3307855/2023	Mr Andrew Wright -v- JARVIS CONTRACTING LIMITED
3307856/2023	Mr Benaebi Timi -v- JARVIS CONTRACTING LIMITED
3307857/2023	Mr Bertie Samuelson -v- JARVIS CONTRACTING LIMITED
3307858/2023	Mr Chris Gazeley -v- JARVIS CONTRACTING LIMITED
3307859/2023	Mr Christopher Creighton -v- JARVIS CONTRACTING LIMITED
3307860/2023	Mr Christopher Howells -v- JARVIS CONTRACTING LIMITED
3307861/2023	Mr Christopher Luxford -v- JARVIS CONTRACTING LIMITED
3307862/2023	Mr Clive Tull -v- JARVIS CONTRACTING LIMITED
3307863/2023	Mr Daniel Beach -v- JARVIS CONTRACTING LIMITED
3307864/2023	Mr Daniel Briggs -v- JARVIS CONTRACTING LIMITED
3307865/2023	Mr David Barker -v- JARVIS CONTRACTING LIMITED
3307866/2023	Mr David Meadows -v- JARVIS CONTRACTING LIMITED
3307867/2023	Mr David Neal -v- JARVIS CONTRACTING LIMITED
3307868/2023	Mr Douglas Mcgevor -v- JARVIS CONTRACTING LIMITED
3307869/2023	Mr Dragos Popescu -v- JARVIS CONTRACTING LIMITED
3307870/2023	Mr Fidel Castro Socorro -v- JARVIS CONTRACTING LIMITED
3307871/2023	Mr Fiona Watson -v- JARVIS CONTRACTING LIMITED
3307872/2023	Mr Gary Tough -v- JARVIS CONTRACTING LIMITED
3307873/2023	Mr Georgie-May Laurie -v- JARVIS CONTRACTING LIMITED
3307874/2023	Mr Glyn Bowen -v- JARVIS CONTRACTING LIMITED
3307875/2023	Mr Graham Eldridge -v- JARVIS CONTRACTING LIMITED
3307876/2023	Mr Hazel Swan -v- JARVIS CONTRACTING LIMITED
3307877/2023	Mr Ian Field -v- JARVIS CONTRACTING LIMITED
3307878/2023	Mr Ian Dorricott -v- JARVIS CONTRACTING LIMITED
3307879/2023	Ms Jade Strivens -v- JARVIS CONTRACTING LIMITED
3307880/2023	Mr James Hollis -v- JARVIS CONTRACTING LIMITED
3307881/2023	Mr Jamie Cox -v- JARVIS CONTRACTING LIMITED
3307882/2023	Mr Jamie Higgins -v- JARVIS CONTRACTING LIMITED
3307883/2023	Mr Jason Tucker -v- JARVIS CONTRACTING LIMITED
3307884/2023	Mr John Day -v- JARVIS CONTRACTING LIMITED
3307885/2023	Mr Kevan Moore -v- JARVIS CONTRACTING LIMITED
3307886/2023	Mr Kevin Lea -v- JARVIS CONTRACTING LIMITED
3307887/2023	Mr Kevin Scales -v- JARVIS CONTRACTING LIMITED
3307888/2023	Mr Lorna Pearce -v- JARVIS CONTRACTING LIMITED
3307889/2023	Mr Luke Burgess -v- JARVIS CONTRACTING LIMITED
3307890/2023	Mr Luke Green -v- JARVIS CONTRACTING LIMITED

3307891/2023	Ms Marian Staicu -v- JARVIS CONTRACTING LIMITED
3307892/2023	Ms Mark Doyle -v- JARVIS CONTRACTING LIMITED
3307893/2023	Ms Mark Dyer -v- JARVIS CONTRACTING LIMITED
3307894/2023	Ms Mark Potter -v- JARVIS CONTRACTING LIMITED
3307895/2023	Ms Maurice Wilson -v- JARVIS CONTRACTING LIMITED
3307896/2023	Ms Michelle Revell -v- JARVIS CONTRACTING LIMITED
3307897/2023	Mr Nathan Herbert -v- JARVIS CONTRACTING LIMITED
3307898/2023	Mr Patrick Kerrigan -v- JARVIS CONTRACTING LIMITED
3307899/2023	Mr Peter Robinson -v- JARVIS CONTRACTING LIMITED
3307900/2023	Mr Philip Bonner -v- JARVIS CONTRACTING LIMITED
3307901/2023	Mr Ricky Kalabza -v- JARVIS CONTRACTING LIMITED
3307902/2023	Mr Ryan Dent -v- JARVIS CONTRACTING LIMITED
3307903/2023	Mr Ryan Webb -v- JARVIS CONTRACTING LIMITED
3307904/2023	Mr Shane Scarry -v- JARVIS CONTRACTING LIMITED
3307905/2023	Mr Spencer Bramwell -v- JARVIS CONTRACTING LIMITED
3307906/2023	Mr Stephen Clatworthy -v- JARVIS CONTRACTING LIMITED
3307907/2023	Mr Steven Hunt -v- JARVIS CONTRACTING LIMITED
3307908/2023	Mr Timothy Copperwaite -v- JARVIS CONTRACTING LIMITED
3307909/2023	Mr Toby Shaw -v- JARVIS CONTRACTING LIMITED
3307910/2023	Mr Wendy Farrell -v- JARVIS CONTRACTING LIMITED
3307911/2023	Mr William Smith -v- JARVIS CONTRACTING LIMITED