



EMPLOYMENT TRIBUNALS

Claimant: Mr C Smith

Respondent: Timber Stair Manufacturers Ltd (1)
The Secretary of State for Business, Energy and Industrial Strategy (2)

Heard at: Nottingham On: 25 July 2024

Before: Employment Judge M Butler (sitting alone)

Appearances: With the consent of the parties, the claim was determined on the papers

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The first Respondent failed to submit a Response to the claims.

On the information before me including the claim form submitted by the Claimant and the submissions made by the Claimant and the Second Respondent

The decision of the Employment Judge is:

1. The Claimants worked at a single establishment at which there was no recognised trade union.
2. The first Respondent failed to organise the election of employee representatives and to consult with them in accordance with sections 188 and 188A of Trade Union and Labour Relations (Consolidation) Act 1992 (“TULRCA”).
3. Accordingly, the Claimants’ complaints pursuant to TULRCA section 189 are well founded and succeed.
4. The first Respondent is ordered to pay remuneration to the Claimant in for a protected period of 90 days beginning on 12 August 2023.
5. The Employment Protection (Recoupment of Jobseeker’s Allowance and Income Support) Regulations 1996 apply to these awards.

Employment Judge M Butler

Date 25 July 2024

JUDGMENT & REASONS SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE