

Cases No: 1800668/2024, 1800687/2024, 1800832/2024, 1800833/2024,
1801026/2024 and 1801251/2024 to 1801251/2024 inclusive



EMPLOYMENT TRIBUNALS

Claimants: (1) Ms L Dale
(2) Mrs S Brownhill
(3) Ms M Mittal
(4) Ms P Parahar
(5) Mr T Petchey
(6) to (82) Ms A Alhambres and 76 others (see schedule)

Respondents: (1) SSB Group (in administration)
(2) Secretary of State for Business and Trade

FOLLOWING A PRELIMINARY HEARING

Heard at: Leeds by CVP video conferencing **On:** 17th June 2024
Before: Employment Judge Lancaster

JUDGMENT

1) The First Respondent has failed to comply with the provisions of section 188 of the Trade Union & Labour Relations (Consolidation) Act 1992 by not electing or consulting with appropriate employee representatives.

2) The Claimants are each entitled to a protective award for a period of 90 days beginning on 29th November 2023.

3) The First Respondent is under a duty to provide the required information to the Secretary of State under regulation 5 (2) (6) of the Employment Protection (Recoupment of Benefits) Regulations 1996 and in respect of any remuneration to which they are entitled from the First Respondent under this protective award payment is stayed pursuant to regulations 7 and 8.

4) Any other complaints contained within the Claim Forms are stayed for a period of 3 months pending consent to proceed from the administrators or formal withdrawal.

REASONS

1. It was clear from the evidence given to me at the preliminary hearing, principally by Mr Haigh, and corroborated by the other Claimants who were also in attendance, that all the above named Claimants as well as the Claimants named in the original judgment were within a group of more than 20 employees

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employed at a single establishment Navigation House, 1 South Quay Drive, Sheffield or the immediately adjacent building, and who were made redundant within a 90 day period following the first such redundancy on 29th November 2023.

2. It is further clear from the evidence which I heard and accepted that there was no consultation before dismissing all affected employees as redundant

2. Absent any recognized trade union or other representative body upon the failure to elect employee representatives to consult on the collective redundancies each employee so dismissed, which includes all the individually above named Claimants, is entitled to present a claim for a protective award.

3. There has been no Response submitted on behalf of the First Respondent, and therefore no explanation offered for the failure to consult even though it is apparent from the papers that the business was in financial difficulties from at least about September 2023.

4. All the above named Claimant's, (1) to (5) representing themselves and (6) to (82) all being represented by Morrish Solicitors, have confirmed their intention to proceed with their claims and in the case of the represented parties the Second Respondent has also now filed a Response which does not substantively contest the claims.

5. There is, therefore now sufficient information before me to make a further judgment under rule 21 of the Employment Tribunal Rules 2013.

4. It is therefore just and equitable to make the awards for the maximum 90 day period (though it is acknowledged that under the relevant legislation the Second Respondent will not be obliged to make payment for that full period).

5. The Recoupment Provisions apply, though it is anticipated that no monies will actually be received directly from the insolvent former employer, but that the incidence of benefits will be separately and further accounted for under the relevant regulations when determining the amount payable by the Second Respondent from the redundancy insurance fund

Employment Judge Lancaster
8th August 2024

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