



EMPLOYMENT TRIBUNALS

Claimant: Mr F McGrath and others (see schedule)

Respondent: Volta Trucks Limited (in administration)

RULE 22 JUDGMENT

MADE PURSUANT TO RULE 22 OF THE EMPLOYMENT TRIBUNALS RULES OF PROCEDURE 2024

1. It is declared that the Claimants' complaints that the respondent has failed to comply with the requirement of section 188 of the Trade Union Labour Relations (Consolidation) Act 1992 is well founded.
2. The Tribunal makes a protective award in respect of the protected period as defined in section 189 (3) of the Trade Union Labour relations (Consolidation) Act 1992. The respondent is ordered to pay remuneration to the claimants for a period of 90 days beginning on 18 October 2023.
3. The protective award relates to the employees of the respondent employed at Wokingham, Nuneaton, Lighthorne and London dismissed as redundant on 18 October 2023.
4. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply to these awards. In each case the protected period is the period of 90 days beginning on 18 October 2023.

REASONS

1. This judgment relates to the claims for a protective award made by employees of the respondent who were dismissed as redundant by the respondent on 18 October 2023. The claimants were employed at one the respondents establishments at Wokingham, Nuneaton, Lighthorne and London. At each establishment the respondent dismissed no less that 20 employees, a total of 531 employees were made redundant immediately upon the appointment of Administrators on 18 October 2023.
2. The Joint Administrators have a response to the claim, and they do not resist this claim.
3. Where the respondent has stated that no part of the claim is contested, the Tribunal must decide whether on the available material (which may include any further information which the parties are required by the Tribunal to provide), a determination can properly be made of the claim, or part of it. To the extent that a determination

can be made, the Tribunal must issue a judgment accordingly, otherwise, a hearing must be fixed.

4. There was no recognised trade union or existing body of employee representatives in respect of this redundancy.
5. The respondent failed to arrange an election of employee representatives in respect of the redundancies that took place on 18 October 2023 and consequently also failed to consult with elected representatives prior to making the claimants redundant.
6. The respondent does not put forward any opposition to the above facts in issue in its response.
7. There has been a complete failure to comply with section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992. In the case of GMB v Susie Radin Limited [2004] IRLR 400 the Court of Appeal gave guidance to the employment tribunals.

“45 I suggest that employment tribunals, in deciding in the exercise of their discretion whether to make a protective award and for what period, should have the following matters in mind. (1) The purpose of the award is to provide a sanction for breach by the employer of the obligations in section 188: it is not to compensate the employees for loss which they have suffered in consequence of the breach. (2) The tribunal have a wide discretion to do what is just and equitable in all the circumstances, but the focus should be on the seriousness of the employer’s default. (3) The default may vary in seriousness from the technical to a complete failure to provide any of the required information and to consult. (4) The deliberateness of the failure may be relevant, as may the availability to the employer of legal advice about his obligations under section 188. (5) How the tribunal assess the length of protected period is a matter for the tribunal, but a proper approach in a case where there has been consultation is to start with the maximum period and reduce it only if there are mitigating circumstances justifying a reduction to an extent which the Tribunal consider appropriate.”

8. In this case there has been no consultation at all in respect of these redundancy dismissals, there are no mitigating circumstances that have been put forward so as to reduce the award from the maximum protective award of 90 days’ pay.

Approved by:
Employment Judge Gumbiti-Zimuto

Date: 16 May 2025

Sent to the parties on: 25/6/25.

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For the Tribunals Office

1307746/2023	Mr John Chettleburgh
1308881/2023	Mr Andrew Pyatt
3312340/2023	Mr Fergal McGrath
3313329/2023	Mr Laurence Stephens
3313330/2023	Mr Alastair Black
3313331/2023	Ms Olivia Rogers
3313332/2023	Ms Sophia Maude
3314611/2023	Mr Fergal McGrath
1300014/2024	Mr Michael Hill
1300016/2024	Ms Jo Anne Evans
1300019/2024	Mr Matthew Carter
1300176/2024	Mr Marc Wilson
1300177/2024	Mr Darren Wilson
1300183/2024	Mr Harpreet Gahir
1300221/2024	Mr James Edward Day
1300243/2024	Mr Srinivas Mucherla
3300014/2024	Mrs Katarzyna Glynn
3300493/2024	Mr Chris Homewood
3300494/2024	Mr Fergal McGrath
3300576/2024	Mr Chetan Padayachi
3300595/2024	Miss Katherine Rouse
3301953/2024	Mr Andrew Pyatt
3301954/2024	Mr Aadil Lakhi
3301955/2024	Mr Adam Sweet
3301956/2024	Mr Adam Hafejee
3301957/2024	Mr Adam Sas
3301958/2024	Ms Adriana Navarrete Fernandez
3301959/2024	Mr Aivaras Norkus
3301960/2024	Mr Alan Marron
3301961/2024	Mr Alasdair Gifford
3301962/2024	Mr Albert Keen
3301963/2024	Mr Alexander Chapman
3301964/2024	Mr Alexander Lipscomb
3301965/2024	Mr Alistair Pickles
3301966/2024	Ms Amanda Charley
3301967/2024	Mr Amarjit Ghatora
3301968/2024	Ms Amelia Mcdonald
3301969/2024	Ms Amy Bolton
3301970/2024	Ms Andreia Simoes
3301971/2024	Mr Andrew Roe
3301972/2024	Mr Andrew Pyatt
3301973/2024	Mr Andrew Kyte
3301974/2024	Ms Angela Cunningham

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3301975/2024	Mr Anthony Cunningham
3301976/2024	Mr Anthony Jude
3301977/2024	Mr Anthony Clark
3301978/2024	Ms Anunchitha Shyam
3301979/2024	Mr Barry Harrower
3301980/2024	Ms Bianca Wekerle
3301981/2024	Ms Carol Hossack
3301982/2024	Mr Christopher Heddle
3301983/2024	Mr Christopher Cook
3301984/2024	Mr Ciaran Murray
3301985/2024	Mr Daniel Haydon
3301986/2024	Mr Daniel Willis
3301987/2024	Mr Daniel Ground
3301988/2024	Mr Daniel Coates
3301989/2024	Mr Daniel Phoenix
3301990/2024	Mr Darren Parsons
3301991/2024	Mr Darren Luxford
3301992/2024	Mr David Hartley
3301993/2024	Mr David Taylor
3301994/2024	Mr David Amineyo
3301995/2024	Ms Debbie Hellier
3301996/2024	Ms Diana Cordingley-Clark
3301997/2024	Mr Diego Alessandri
3301998/2024	Mr Dragos Traistaru
3301999/2024	Mr Duncan Forrester
3302000/2024	Mr Edmund Giles
3302001/2024	Mr Egidijus Dailidenas
3302002/2024	Mr Elias Selby
3302003/2024	Ms Ellen Children
3302004/2024	Mr Elliot Smith
3302005/2024	Mr Emanuel Beck
3302006/2024	Ms Emillie Griffiths Brown
3302007/2024	Ms Emma Newitt
3302008/2024	Ms Emma Selby
3302009/2024	Mr Evan Bailey
3302010/2024	Mr Fazal Caratella
3302011/2024	Ms Gabriela Melichian
3302012/2024	Ms Gail Willows
3302013/2024	Mr Gary Tonks
3302014/2024	Mr Giancarlo Duran
3302015/2024	Ms Gillian Ford
3302016/2024	Mr Glen Callegari
3302017/2024	Mr Glenn Hiscocks
3302018/2024	Mr Graham Luck
3302019/2024	Mr Gregory Harris
3302020/2024	Mr Guillaume Vieille

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3302021/2024	Mr Guillermo Novoa Ares
3302022/2024	Mr Guramritpal Sandhu
3302023/2024	Ms Hannah Sowerby-Hill
3302024/2024	Mr Harrison Godfrey
3302025/2024	Mr Harry Haylor
3302026/2024	Mr Harry Chan
3302027/2024	Ms Harsharan Dehele
3302028/2024	Ms Hazel Coates
3302029/2024	Mr Ilias Kararaj
3302030/2024	Mr Ishaq Hawwash
3302031/2024	Ms Ivana Core
3302032/2024	Mr Jacob Martin
3302033/2024	Mr Jakub Oubrecht
3302034/2024	Mr James Mills
3302035/2024	Ms Jamie Van de Vijver
3302036/2024	Mr Jamie Stewart
3302037/2024	Mr Jeffrey Matcham
3302038/2024	Ms Jessica Mills
3302039/2024	Ms Joanna Luxon
3302040/2024	Ms Joanna Youden
3302041/2024	Mr Joao Dias
3302042/2024	Mr John Harrison
3302043/2024	Mr Jonathan Warwick
3302044/2024	Mr Josh Holmes
3302045/2024	Mr Joshua Crook
3302046/2024	Mr Jurjen Van der Goot
3302047/2024	Mr Kamalijt Toor
3302048/2024	Ms Katarzyna Glynn
3302049/2024	Mr Kelvin Green
3302050/2024	Mr Kishor Hirani
3302051/2024	Mr Konrad Gortat
3302052/2024	Mr Larkhan Singh
3302053/2024	Mr Lawrence Bryan
3302054/2024	Mr Lee Davison
3302055/2024	Mr Liam Meara
3302056/2024	Ms Linda Taylor
3302057/2024	Mr Manoj Anandhan
3302058/2024	Ms Maria Morrell-Neal
3302059/2024	Mr Mariano De Luca
3302060/2024	Mr Mark King
3302061/2024	Mr Mark Garnett
3302062/2024	Mr Martin Kelly
3302063/2024	Mr Mateusz Mikolajczk
3302064/2024	Mr Mateusz Zajac
3302065/2024	Mr Matthew Argy
3302066/2024	Mr Matthew Pidgeon

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3302067/2024	Mr Matthew Young
3302068/2024	Mr Matthew Hurst
3302069/2024	Mr Michael Holland
3302070/2024	Mr Mindaugas Gliozeris
3302071/2024	Mr Mohammed Khan
3302072/2024	Mr Naga Hari Kiran Tirupathi
3302073/2024	Ms Natalia Generali
3302074/2024	Mr Nathan Oyousa
3302075/2024	Mr Neil Partington
3302076/2024	Mr Neil Hunt
3302077/2024	Mr Okyay Sonmez
3302078/2024	Mr Oliver Bonehill
3302079/2024	Ms Pamela John
3302080/2024	Mr Paresch Viradiya
3302081/2024	Mr Patrick Patterson
3302082/2024	Mr Paul Wood
3302083/2024	Mr Paul White
3302084/2024	Ms Paulina Martinas
3302085/2024	Ms Penelope Tomlin
3302086/2024	Mr Phillip Jones
3302087/2024	Mr Piotr Czastka
3302088/2024	Mr Rai Gill
3302089/2024	Mr Rajesh Akula
3302090/2024	Mr Ranald Harding
3302091/2024	Mr Rhydian Evans
3302092/2024	Mr Richard Howells
3302093/2024	Mr Richard May
3302094/2024	Mr Robert Gwynn
3302095/2024	Mr Robert Pywell
3302096/2024	Mr Roger Maresco
3302097/2024	Mr Ross Peplow
3302098/2024	Ms Samara Clark
3302099/2024	Mr Samuel Atkins
3302100/2024	Mr Samuel Bright
3302101/2024	Mr Sebastian Byks
3302102/2024	Mr Shashank Sisodia
3302103/2024	Mr Simon Picton
3302104/2024	Mr Stefan Kay
3302105/2024	Mr Stephen Taylor
3302106/2024	Mr Stephen Day
3302107/2024	Mr Stephen Jones
3302108/2024	Mr Steven Hall
3302109/2024	Ms Swarupa Sonam Subhadarshini
3302110/2024	Mr Szymon Witkowski
3302111/2024	Mr Thomas Sherifi
3302112/2024	Mr Thomas Cordingley-Clark

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Mr Vikash Toofaneeram

3302114/2024

Mr Waheedullah Safi

3302115/2024

Mr Warren Miller

3302116/2024

Mr William Carlsson

3302117/2024

Mr Yordan Karchev

3302118/2024

Mr Zhao Zhang