



# THE EMPLOYMENT TRIBUNALS

**Claimant:** Peter Gordon Tibbett

**Respondent:** Revive Polymers Limited

## JUDGMENT

### Employment Tribunals Rules of Procedure 2013 – Rule 21

The complaint that the respondent failed to comply with the requirement of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 is well-founded.

The respondent is ordered to pay remuneration calculated in accordance with section 189(3) of the Trade Union and Labour Relations (Consolidation) Act 1992 for the protected period. The protected period is for 90 days from 27 January 2015.

The Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations 1996 apply. Regulation 6 imposes on the respondent a duty to provide information to the Secretary of State. Regulation 7 postpones this award in order to enable the Secretary of State to serve a recoupment notice under regulation 8. The full effect of regulations 6, 7 and 8 is set out in the annex to this judgment.

### **CONSEQUENCES OF NON-COMPLIANCE**

1. Failure to comply with an order for disclosure may result on summary conviction in a fine of up to £1,000 being imposed upon a person in default under s.7(4) of the Employment Tribunals Act 1996.
2. The Tribunal may also make a further order (an “unless order”) providing that unless it is complied with, the claim or, as the case may be, the response shall be struck out on the date of non-compliance without further consideration of the proceedings or the need to give notice or hold a preliminary hearing or a hearing.
3. An order may be varied or revoked upon application by a person affected by the order or by a judge on his/her own initiative.

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**EMPLOYMENT JUDGE SHEPHERD**

**JUDGMENT SIGNED BY EMPLOYMENT  
JUDGE ON 21 JUNE 2016**

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**JUDGMENT SENT TO THE PARTIES ON  
22 JUNE 2016**

.....  
**AND ENTERED IN THE REGISTER**

.....  
**FOR THE TRIBUNAL**