



THE EMPLOYMENT TRIBUNALS

Claimants
Mr S Wilson and 11 others
shown on the attached Schedule

Respondent
Vaughan Engineering Ltd
(in Administration)

EMPLOYMENT JUDGE GARNON
MADE AT NORTH SHIELDS

ON 17th September 2018

JUDGMENT (Liability and Remedy)
Employment Tribunals Rules of Procedure 2013 –Rule 21

The respondent having failed to comply with sections 188 (1) and (1A) of the Trade Union and Labour Relations (Consolidation) Act 1992 as amended (the Act) I make a protective award that it pay to the claimants remuneration for the protected period from the date of dismissal , being 27th March 2018 , for a period of 90 days.

REASONS

1. Sections 188 (1) and (1A) of the Act provides where an employer is proposing to dismiss as redundant 20 or more employees at one establishment within a period of 90 days or less, the employer shall consult about the dismissals all the persons who are appropriate representatives of any of the employees who may be affected by the proposed dismissals or by measures taken in connection with those dismissals. Section 189, says where an employer has failed to comply with a such a requirement a complaint may be presented to an employment tribunal If the tribunal finds the complaint well-founded it shall make a declaration to that effect and may make a protective award. In the absence of reasons to make one for a shorter period , Susie Radin Ltd-v-GMB held the award should be for 90 days

2. The respondent's administrators have consented to the continuation of the proceedings and said they will not be entering a response The claim is not contested . I am required by rule 21 of the Employment Tribunals Rules of Procedure 2013 to decide on the available material whether a determination can be made and , if so, obliged to issue a judgment which may determine liability only or liability and remedy. I have in the claim form sufficient information to enable me to find the claims proved on a balance of probability and to determine the period for a protective award

TM Garnon Employment Judge

Date signed 17th September 2018.
SENT TO THE PARTIES ON

Case Numbers 2501545/18 and 12 others shown on the attached Schedule

20 September 2018

**G Palmer
FOR THE TRIBUNAL**

| <i>Case Number</i> | <i>Case Name</i> |
|--------------------|--|
| 2501545/2018 | Mr Stephen Wilson -v- Vaughan Engineering Limited ? In Administration |
| 2501546/2018 | Mr Roland Boughen -v- Vaughan Engineering Limited ? In Administration |
| 2501547/2018 | Mr Stephen Wilson -v- Vaughan Engineering Limited ? In Administration |
| 2501548/2018 | Mr David Elliott -v- Vaughan Engineering Limited ? In Administration |
| 2501549/2018 | Mr Gordon Coupar -v- Vaughan Engineering Limited ? In Administration |
| 2501550/2018 | Mr Kane Thompson -v- Vaughan Engineering Limited ? In Administration |
| 2501551/2018 | Mr Mark Henry -v- Vaughan Engineering Limited ? In Administration |
| 2501552/2018 | Mr Shaun Hawkins -v- Vaughan Engineering Limited ? In Administration |
| 2501553/2018 | Mr John McGuinness -v- Vaughan Engineering Limited ? In Administration |
| 2501554/2018 | Mr Adam Brown -v- Vaughan Engineering Limited ? In Administration |
| 2501555/2018 | Mr William Ames -v- Vaughan Engineering Limited ? In Administration |
| 2501556/2018 | Mr Grant Taylor-Kane -v- Vaughan Engineering Limited ? In Administration |
| 2501557/2018 | Unite The Union -v- Vaughan Engineering Limited ? In Administration |

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