



EMPLOYMENT TRIBUNALS

Claimant: Mr E Harper & 25 others (see attached schedule)

Respondents: (1) BJS Yorkshire Ltd (in Creditors Voluntary Liquidation)
(2) Secretary of State for Business, Energy & Industrial Strategy

RULE 21 JUDGMENT & CASE MANAGEMENT ORDER

- (1) The claimants worked for the first respondent – respondent (1) – in a single establishment, there was no relevant recognised trade union in that establishment, and 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”) prior to the claimants being made redundant on 9 November 2018. There was no consultation whatsoever. The claimants’ complaints pursuant to TULRCA section 189 are therefore well-founded.
- (2) The protected period in relation to the claimants is 90 days beginning on 9 November 2018.
- (3) The first respondent must pay each of the claimants a protective award, consisting of remuneration for the protected period.
- (4) Because it has failed to present a valid response, although it shall be entitled to notice of any hearings and decisions of the tribunal, the first respondent shall only be entitled to participate in any hearing to the extent permitted by the judge, unless and until an extension of time for presenting its response is granted.
- (5) Each of the claimants must, within 14 days of the date of this Judgment and Order, provide the respondents and the tribunal with written details of how much money “*remuneration for the protected period*” in accordance with TULRCA section 189(3) (i.e. pay over a 90 day period beginning on 29 March 2016) would have been in their case; this Order is being made with a view, potentially, to judgments for specific amounts being given.

REASONS

Although there is no obligation to give reasons for a rule 21 judgment, I [Employment Judge Camp, sitting in Nottingham] wanted very briefly to explain why I have decided to make a full 90 days protective award. The reason I have done this is that Susie Radin Ltd v GMB [1994] ICR 893 suggests a proper approach where, as here, there has been no consultation is to start with the maximum period of 90 days and reduce it only if there are mitigating circumstances justifying a reduction. No mitigating factors have been put forward by or on behalf of the first respondent and it has made clear it doesn't intend actively to participate in the proceedings.

EMPLOYMENT JUDGE CAMP
20th August 2019

Multiple Schedule

Multiple: **4672 - Bjs Yorkshire Ltd**

<i>Case Number</i>	<i>Case Name</i>
2600715/2019	Mr Edwin Harper -v- BJS Yorkshire Ltd & Others
2600716/2019	Miss Stephanie Errington -v- BJS Yorkshire Ltd & Others
2600717/2019	Mr Terry Raworth -v- BJS Yorkshire Ltd & Others
2600718/2019	Mr David Roberts -v- BJS Yorkshire Ltd & Others
2600719/2019	Mr Ian Smithhurst -v- BJS Yorkshire Ltd & Others
2600720/2019	Mr Kevin Armstrong -v- BJS Yorkshire Ltd & Others
2600721/2019	Mr Mark Bond -v- BJS Yorkshire Ltd & Others
2600722/2019	Mr Andrew Throup -v- BJS Yorkshire Ltd & Others
2600723/2019	Mr Thomas Jackson -v- BJS Yorkshire Ltd & Others
2600724/2019	Mr Anthony Baines -v- BJS Yorkshire Ltd & Others
2600725/2019	Mr Tony Walker -v- BJS Yorkshire Ltd & Others
2600726/2019	Mr Ricky Wood -v- BJS Yorkshire Ltd & Others
2600727/2019	Miss Kirstie Epton -v- BJS Yorkshire Ltd & Others
2600728/2019	Mr Darren Hutchinson -v- BJS Yorkshire Ltd & Others
2600729/2019	Mr Ryan Calvert -v- BJS Yorkshire Ltd & Others
2600730/2019	Mr Marc Richardson -v- BJS Yorkshire Ltd & Others
2600731/2019	Mr Brian Askew -v- BJS Yorkshire Ltd & Others
2600732/2019	Mr Charles Rutherford -v- BJS Yorkshire Ltd & Others
2600733/2019	Mr Carl Huxtable -v- BJS Yorkshire Ltd & Others
2600734/2019	Mr Raymond Massey -v- BJS Yorkshire Ltd & Others
2600735/2019	Miss Keeley Peart -v- BJS Yorkshire Ltd & Others
2600736/2019	Mr Robert Barton -v- BJS Yorkshire Ltd & Others
2600737/2019	Mr Robert Woodward -v- BJS Yorkshire Ltd & Others
2600738/2019	Mr Paul Campbell -v- BJS Yorkshire Ltd & Others
2600739/2019	Mrs Susan Morris -v- BJS Yorkshire Ltd & Others
2600740/2019	Mr Mark Rimmer -v- BJS Yorkshire Ltd & Others