



EMPLOYMENT TRIBUNALS

Claimant: Unite The Union

Respondent: Halton Borough Transport Limited (In Creditors Voluntary Liquidation)

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The judgment of the Tribunal is that:

1. The claim of under section 189 Trade Union and Labour Relations (Consolidation) Act 1992 is well founded and succeeds.
2. The Tribunal makes a protective award in respect of all employees working from the Respondent's premises at Moor Lane, Widnes WA8 7AF who were within Unite's Collective Bargaining Unit and who were dismissed as redundant by the Respondent on 25 January 2020.
3. The Respondent is ordered to pay remuneration to the Claimant for the protected period. The protected period begins on 25 January 2020 and is for a period of 90 days.

REASONS

1. The Claimant trade union was recognised by the Respondent (a bus company) for all employees working from its premises at Moor Lane, Widnes save for management, ('the relevant employees').
2. The relevant employees were employed by the Respondent until 25 January 2020.
3. On Monday 20 January 2020 an employee of the Respondent and branch secretary of the Claimant heard through third party sources that the Respondent would cease operating on Friday 24 January. On 22 January 2020 a regional officer of the Claimant visited the Respondent's premises to inform its members of these rumours.

Case No: 2501074/2020

4. The Respondent did not operate any school routes on 23 and 24 January 2020. The last day it operated any commercial route was 24 January 2020 and on Saturday 25 January 2020 it informed all employees (which numbered in excess of 55) in writing that their employment was terminated as of that day.
5. Even in the last week of trading, when rumours were circulating of the Respondent's demise, the Respondent took no steps to inform or consult the Claimant in accordance with its duty under section 188 Trade Union and Labour Relations (Consolidation) Act 1992. I am satisfied that there was a total failure to comply with its duty and that an award of 90 days is appropriate.

Employment Judge Sweeney

8 December 2020