



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Numbers: 4104898/2020

Employment Judge S MacLean

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Mr S Maguire

Claimant

Moffat Electrical Services (in Liquidation)

Respondent

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JUDGMENT

Rule 21 of the Employment Tribunal Rules of Procedure 2013

No response has been presented to the claim. The respondent is in liquidation. The claimant's place of work was 96-98 Forrest Street, Airdrie, ML6 7AG. The claimant was informed on 23 June 2020 that the respondent had entered liquidation and he was being dismissed by reason of redundancy with immediate effect. On or around 23 June 2020 more than 20 employees of the respondent at the establishment at which the claimant was based were dismissed by reason of redundancy. There was no recognised trade union or representative bodies in the workplace. The Liquidator has confirmed to the Tribunal by email sent on 29 September 2020 that they do not object to the claim continuing and will not be entering the proceedings.

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The Employment Judge has decided to issue the following judgment on the available material under Rule 21.

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1. The complaint that the respondent failed to comply with its duty to consult under Sections 188 and 188A of the Trade Union and Labour Relations (Consolidation) Act 1992 is well founded.
2. There should be a protective award for 90 days' pay from 23 June 2020 pursuant to section 189 of the Trade Union and Labour Relations (Consolidation) Act 1992.

3. The respondent is ordered to pay the appropriate remuneration to every employee of a description to which the award relates pursuant to section 190 of the Trade Union and Labour Relations (Consolidation) Act 1992.

4. The respondent has made an unauthorised deduction of wages and is to pay
5 the claimant the sum of £1,214.85 ($£2,024.75 \times 20/100 \times 3$).

Employment Judge: Shona MacLean
Date of Judgment: 01 December 2020
Entered in register: 10 December 2020
10 and copied to parties