



# EMPLOYMENT TRIBUNALS

**Claimants:** Mr J F McAteer & others (see attached schedule)  
Mr I Ryder  
Mr C Rowe

**Respondent:** Kinetics Group Limited (formerly in administration now in voluntary liquidation)

**HELD AT:** Liverpool **ON:** 23 February 2017  
(in Chambers)

**BEFORE:** Employment Judge Robinson  
(sitting alone)

## REPRESENTATION:

**Claimants:** Not in attendance  
**Respondent:** Not in attendance

## RESERVED JUDGMENT

The judgment of the Tribunal is that:-

1. The claims in relation to a protective award are well-founded.
2. The judgment is made on behalf of Unite, UCATT and GMB unions and in regard to individual employees of Kinetics Group Limited as set out below.
3. Having considered the representations from the parties it is appropriate to make the protective award and given the seriousness of the respondent's default in observing its statutory obligations to make that award for the maximum period of 90 days.
4. The description of employees covered by the protective award is as follows: all categories of employees made redundant by the respondent on or about 15 June 2011.
5. The duration of the award shall as stated be for 90 days in each case commencing on 15 June 2011.

6. For the avoidance of doubt, all of the trade unions mentioned above were recognised as trade unions and are the correct claimants for the protective award application.

7. Consequently this judgment in favour of the claimants shall benefit all categories of employee.

8. There were more than 100 workers who were made redundant by the respondent on 15 June 2011. The respondent did not enter into discussion with regard to redundancy during that period as required by the provisions of section 188 and 189 of the Trade Union and Labour Relations (Consolidation) Act 1992.

9. Although the respondent was not represented during my consideration of the submissions it has had the opportunity to show that it complied with the sections set out above and it is for the respondents to show that it did.

10. The respondent has not asserted at any time that there were special reasons for the failure to comply with the obligations under the 1992 Act.

13-03-17

Employment Judge Robinson

JUDGMENT SENT TO THE PARTIES ON

23 March 2017

FOR THE TRIBUNAL OFFICE