



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4105801/2022

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Held in Glasgow by Cloud Video Platform on 11 April 2023

Employment Judge S MacLean

10 **Miss G Litster**

**Claimant
In Person**

15 **Eclipse Genetic Limiter (in Administration)**

**Respondent
No appearance and
No representation**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

It was the judgment of the Employment Tribunal that:

- 20 1. The claimant's application to amend the claim form to provide the factual basis of the existing complaint that the respondent failed to comply with the requirement of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992, there being no objection from the respondent, is allowed (the Claim).
- 25 2. The claims of unauthorised deduction from wages, failure to pay a redundancy payment and failure to pay notice pay were withdrawn by the claimant at the hearing and are dismissed under rule 52 of schedule 1 to the Employment Tribunal (Constitution and Rules of Procedure) Regulations 2013.
- 30 3. The claimant is entitled to bring the Claim because the complaint concerns a failure relating to the election of employee representatives, and the claimant was an employee dismissed as redundant on 1 August 2022.
4. No response was presented to the Claim within the applicable time limit.

5. The respondent is in administration but the joint administrators consented to the continuation of these proceedings in a letter dated 19 January 2023.
6. The complaint that the respondent failed to comply with a requirement of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 is well founded.
7. The respondent dismissed as redundant more than 20 employees at one establishment within a period of 90 days or less.
8. The respondent failed to ensure that employee representatives were elected in accordance with section 188A, and then to consult with them in accordance with section 188.
9. The Tribunal makes a protective award in respect of employees of the respondent working at unit 1, Langlands Place, East Kilbride as it dismissed or proposed to dismiss on 9 May 2022. The respondent is ordered to pay remuneration for the protected period. The protected period begins with 9 May 2022 and is for 90 days.

REASONS

Oral reasons for the decision were announced at the hearing.

Employment Judge: S Maclean
Date of Judgment: 11 April 2023
Entered in register: 13 April 2023
and copied to parties