



# EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Nos: S/4100524/2017; S/4100525/2017; S/4100526/2017;  
S/4100527/2017; S/4100528/2017; & S/4100529/2017

Employment Judge: Ian McPherson

(1) Mr Ross Brodie	First Claimant
(2) Mr Brian O'Donnel	Second Claimant
(3) Mr Richard Munro	Third Claimant
(4) Mr Alastair Gilmour	Fourth Claimant
(5) Mr Chris Nicol	Fifth Claimant
(6) Mr Declan Dooley	Sixth Claimant
Give Goodwind UK Limited	Respondents

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

No response has been presented to this claim, and an Employment Judge has decided to issue the following judgment on the available material under **Rule 21 of the Employment Tribunal Rules of Procedure 2013**:-

- (1) The Tribunal declares that the Respondents have failed to comply with their duty to inform and consult under **Sections 188 and 188A of the Trade Union and Labour Relations (Consolidation) Act 1992** (“the Act”) and the Tribunal accordingly makes an Order that the Respondents shall pay appropriate compensation to the Claimants affected by the redundancies; and
- (2) Further, the Tribunal makes a Protective Award for 90 days’ pay per Claimant as provided for by **Section 189 of the Act**, commencing on 30 November 2016.

### REASONS

1. The First to Sixth Claimants (the “Claimants”) were all previously employees of the Respondents. The Respondents are in liquidation, and the Claimants have obtained the permission of the Sheriff at Hamilton on 27 July 2017 to proceed with their claim against the Respondents.
2. On 30 November 2016 the Claimants were called to a meeting by the Respondents at the Respondents’ premises at 1 Hornal Road, Bothwell Park Industrial Estate, Uddingston Lanarkshire G71 7EE. The Claimants were told that the workplace would close with effect from that date on 30 November 2016.
3. Approximately 27 employees in total were made redundant by the Respondents. All of the employees, including the Claimants, were made redundant on 30 November 2016.
4. Prior to the date of the redundancies, the Respondents failed to invite those employees, including the Claimants, who were not of a description in respect of which an independent trade union was recognised, to elect employee representatives.

5. The Respondents failed in their duty to invite employees affected by the redundancies to elect employee representatives, contrary to their obligations under **Section 188 (1B) (b) of the Trade Union and Labour Relations (Consolidation) Act 1992** (“the Act”).
  
6. Further, the Respondents failed to comply with the provisions of **Section 188 and/or 188A of the Act** by failing to consult at the earliest opportunity and did not, in any event, consult at least 30 days before the first of the dismissals was to take effect as required by **Section 188 (1A)(a) of the Act**.

Employment Judge: G. Ian McPherson

Date of judgment: 10 August 2017

Entered in register and copied to parties: 11 August 2017