



EMPLOYMENT TRIBUNALS

Claimant: GMB Trade Union
Respondent: Cleveland Bridge UK Limited (in administration)
Rule 96 party: Secretary of State for Business, Energy and Industrial Strategy

HELD AT: North East Region, by video **ON:** 4 November 2022

BEFORE: Employment Judge Aspden

REPRESENTATION:

Claimant: Ms B Clayton, Counsel
Respondent: No attendance
Secretary of State: No attendance

JUDGMENT

1. The claimant's claim that the respondent failed to comply with the requirements of section 188 of the Trade Union and Labour Relations (Consolidation) Act 1992 is well founded.
2. The Tribunal orders the respondent, by way of protective award under section 189(3) of the 1992 Act, to pay a payment equivalent to remuneration for the period of 90 days beginning on 2 August 2021 to any of the respondent's hourly-paid employees who were employed at the respondent's site in Darlington and who were dismissed as redundant on or after 2 August 2021.
3. For the avoidance of doubt the employees who are entitled to a protective award under paragraph 2 include Mr Davies and Ms Hall, whose individual complaints in case numbers 2501779/2021 and 2501669/2021 have been dismissed.

Recoupment

4. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply to these awards. The protected period is the period of 90 days beginning on 2 August 2021.
5. The respondent is advised of the provisions of Regulation 6 of the Employment Protection (Recoupment of Jobseeker's Allowance and Income

Support) Regulations 1996, such that, within 10 days of the decision in these proceedings or as soon as is reasonably practicable, the respondent must comply with the provisions of Regulation 6 of the 1996 Regulations and, in particular, must supply to the Secretary of State the following information in writing:

- a. the name, address and national insurance number of the employee to whom the award relates;
 - b. the date of termination of the employment of the employee.
6. The respondent will not be required to make any payment under the protective award until it has received a recoupment notice from the Secretary of State or notification that the Secretary of State does not intend to serve a recoupment notice having regard to the provisions of Regulation 7(2). The Secretary of State must normally serve such recoupment notice or notification on the employer within 21 days of receipt of the required information from the respondent.

Employment Judge Aspden
5 December 2022

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.