



EMPLOYMENT TRIBUNALS

Claimants: Mr C Baldwin, Mr H Davies, Mr A Newman & Mr R Drew

Respondent: (1) The Secretary of State for Business, Energy and Industrial Strategy
(2) System Building Products Limited (in administration)

Before: Employment Judge Victoria Butler

Heard at: Nottingham (on the papers)

On: 16 July 2020

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

The second Respondent failed to submit a Response to the claims and the administrator has given consent for them to proceed.

On the information before me including witness statements from the Claimants and the submissions made by the first Respondent

The decision of the Employment Judge is:

1. The Claimants worked at a single establishment at which there was no recognised trade union.
2. The second Respondent failed to organise the election of employee representatives and to consult with them in accordance with sections 188 and 188A of Trade Union and Labour Relations (Consolidation) Act 1992 (“TULRCA”).
3. Accordingly, the Claimants’ complaints pursuant to TULRCA section 189 are well founded and succeed.
4. The second Respondent is ordered to pay remuneration to each of the Claimants in the attached schedule for a protected period of 90 days beginning on 25 March 2020.

5. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 apply to these awards.

Employment Judge **Victoria Butler**

Date: 16 July 2021

JUDGMENT SENT TO THE PARTIES ON

.....
AND ENTERED IN THE REGISTER

.....
FOR THE TRIBUNAL OFFICE

Schedule

Case Number	Name
1309054/2020	Mr C Baldwin
1309057/2020	Mr H Davies
1309060/2020	Mr A Newman
2408741/2020	Mr R Drew