

Case numbers:2603282/2020 and 2603288/2020



EMPLOYMENT TRIBUNALS

Claimants: Ms Gemma Grimbley and Miss Claire Treacy

Respondent: STA Travel Ltd (in Creditors Voluntary liquidation)

RECORD OF A REMEDY HEARING HEARD BY CLOUD VIDEO PLATFORM

Heard at: Nottingham

On: Monday 11 January 2021

Before: Employment Judge P Britton (sitting alone)

**Appearances For the Claimants: in person For the Respondent:
no appearance**

JUDGMENT

**Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 –
Rule 21**

1. No response having been presented as per the claims the Respondent has failed to comply with the requirements of Section 188 Trade Union & Labour Relations (Consolidation) Act 1992 and therefore the Tribunal makes a declaration that there was a wholesale breach of the provisions of that section.
2. The Tribunal accordingly makes a protective award in respect of all salaried staff employed by the Respondent, including the Claimants who were employed at the Leicester branch, as at 2 September 2020 and whose employment terminated by reason of redundancy commencing on that day.
3. The protected period is a period of 90 days commencing on 2 September 2020.

4. The Employment Protection (Recoupment of Benefits) Regulations 1996 may apply to this award.

REASONS

1. Although there is no obligation to give reasons for a rule 21 judgment I wanted very briefly to explain why I have decided to make a full 90 days protective award. The reason I have done this is that Susie Radin Ltd v GMB [1994] ICR 893 suggests a proper approach where, as here, there has been no consultation is to start with the maximum period of 90 days and reduce it only if there are mitigating circumstances justifying a reduction. No mitigating factors have been put forward by or on behalf of the First Respondent.
2. Second, it has also not sought to argue that all its salaried employees, and in particular those such as the Claimants working at its travel agency branches, were not part of a single establishment so as to be entitled to a protective award.

Employment Judge P Britton

Date: 11 January 2021

JUDGMENT SENT TO THE PARTIES ON

13/01/2021.....
AND ENTERED IN THE REGISTER

.....
FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employmenttribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.