



EMPLOYMENT TRIBUNALS

Claimant:

Mr D Ainsworth

v

Respondent:

Oxis Energy Limited (in
administration)

JUDGMENT BY CONSENT

UPON reading the joint application submitted by Mr David Ainsworth (the Claimant) and the Respondent.

AND UPON the parties having agreed to the terms of the Judgment set out below by consent

The Judgment of the Employment Tribunal made under Rule 64 of Schedule 1 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013 is that:

1. Permission for the claims presented by the Claimant proceed against the Respondent, and the lifting of the moratorium in relation to those claims, is granted by the administrators of the Respondent. This is subject to the conditions agreed by the Claimant on 16 May 2022.

Claims

2. The Claimant was employed by the Respondent.
3. On the 4th May 2021, the Claimant was dismissed by the Respondent by reason of redundancy.

Protective Award

4. In relation to the Claimant the claim for a protective award brought under section 189 of the Trade Union & Labour Relations (Consolidation) Act 1992 succeeds.
5. The Respondent is ordered to pay remuneration to the Claimant for a protected period of 60 days beginning on 4th May 2021 (being the date on which the first of the dismissals to which the complaint relates took effect) in the sum of £13,026.60.

Other Claims

6. In relation to the Claimant the claim for arrears of wages, unpaid expenses and unpaid holiday pay succeed.
7. The Respondent is ordered to pay remuneration to the Claimant as follows:
 - a. £4,361.96 as arrears of wages
 - b. £178.89 as holiday pay.
8. Payments made will be subjected to deductions of tax and National Insurance contributions as required by law and the sums in paragraph 7 above exclude sums already paid to the Claimant prior to the date of this Judgment.
9. All further proceedings of the Claimant be withdrawn.
10. The Employment Protection (recoupment of benefits) Regulations 1996 apply to this award.

Preferential debts

11. Subject to the normal categories of preferential debts set out in Schedule 6 of the Insolvency Act 1986, any payments made by the Respondent (rather than the Secretary of State) pursuant to this Judgment will be paid as an unsecured dividend and the Claimants agree that they will not rank or be otherwise payable as an expense of the administration or any subsequent liquidation.

Costs

12. There shall be no order as to costs or interest and each party shall bear their own costs in these proceedings.

Employment Judge Hawksworth

Date: 1 June 2022

Sent to the parties on: 6 June 2022

For the Tribunal Office

Public access to employment tribunal decisions:

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