



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case Number: 4105411/2022

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Held via Cloud Video Platform (CVP) in Glasgow on 17 January 2023

Employment Judge C McManus

10 **Mr J MacDonald**

**Claimant
Represented by:
Mrs P MacDonald -
Spouse**

15 **Roadbridge UK Limited (In Administration)**

**Respondent
Not present and
Not represented**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Tribunal is that the claimant's claim for protective award under case number 4105411/2022 is time barred with regard to the provisions of section 189(5) of the Trade Union and Labour Relations (Consolidation) Act 1992 and is
25 dismissed.

REASONS

1. The claimant and his spouse were present on the video hearing. A Case Management Order requiring the claimant to lodge documents and details of his financial loss had been issued on 15 November 2011 and had not been
30 complied with. No documents had been submitted to be referred to at this Hearing.
2. The decision was given orally at the Hearing.
3. The claimant's position in evidence was that he was employed by the respondent company from 25/11/2021 until 5/10/22, when the respondent
35 ceased operations. He had worked at their site at Creagh Riabhach Wind

5 Farm, where around 30 employees were worked. His position was that he received no correspondence from the respondent in respect of the termination of his employment and did not receive his P60 from them. His position was that in around June or July 2022 he met some individuals who had worked with him there and who informed him that they were waiting to hear whether they would get any money re the closure of the respondent company. The claimant's position was that he was not aware that any claim could be made. His position was that in around August 2022, he was told by a friend that others who had worked with him had got money and that he should claim. His evidence was that contact had been made with Thompsons Solicitors, who he understands had acted for some of the former employees. The claimant's position is that he was told that he was 'too late' to claim. His evidence was that he then contacted ACAS, and the claim was lodged on 5 October 2022. No explanation was given for the claim not having been lodged previously, other than that the claimant wasn't aware that he could do so and that he did not live near others who had claimed. The claimant's position is that he has suffered financial loss as a result of the lack of consultation and his termination of employment.

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20 4. This claim is time barred, with regard to the provisions of Section 189(5) of the Trade Union and Labour Relations (Consolidation) Act 1992. It was reasonably practicable for the complaint to be presented in time and no special circumstances apply. The Employment Tribunal does not have jurisdiction to hear this claim on the grounds of time bar and the claim is dismissed.

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5. This decision does not affect the claimant's entitlement under section 190(1) of the Trade Union and Labour Relations (Consolidation) Act 1992 in respect of any other decision by an Employment Tribunal, making a protective award for employees of a description which includes the claimant.

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Employment Judge: Claire McManus
Date of Judgment: 17 January 2023
Entered in register: 17 January 2023
and copied to parties

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