

Employment Tribunal Update – 19 May 2021

1. This update is relevant for individual claimants who have been advised by the Redundancy Payments Service (**RPS**) that their details have not yet been provided to them in respect of a Judgment from the Employment Tribunal relating to failure to collectively consult (e.g. a protective award). **However please note the information below regarding the scope of current Judgments issued and pending matters.** This information is correct as at 19 May 2021.
2. **Current Judgments:** The following Judgments have been issued by the Tribunal (as at today's date) with a number of actions pending/issues to be determined which may impact whether you are currently on the list of individuals provided to the RPS in respect of a payment due for a protective award claim:
 - a. **Retail staff at Head Office Locations (eg Peterborough Westpoint, Manchester Cardinal House and London Aldersgate):** The TSSA has confirmed that their collective bargaining arrangements (e.g. union agreement) mean that their Tribunal claims should cover all salaried staff at role levels 1-5 (and/or Grade A-D) who worked within the following business areas at Peterborough (Westpoint), Manchester (Cardinal House), and possibly London (Aldersgate) - UK Retail Central Operations and Head Office Retail Support, Sales Centre/UK Contact Centre and Corporate and Group (including but not limited to HR, Comms and PR, Audit, Finance, Marketing & Customer Insight, Property & Procurement, Central Distribution, Support Functions and Financial Services and Health and Safety). At present this judgment of the Employment Tribunal **only covers head office locations in these roles/grades**. The TSSA is currently seeking an extension of this judgment to cover individuals who were employed by Travel and Financial Services Limited and/or TCCT Retail Limited at Head Office locations. Once confirmation is provided by the Employment Tribunal further details of individuals may therefore be passed to the RPS.
 - b. **Airline Pilots (excl. N.Ireland):** A judgment has been given in respect of airline pilots covered by BALPA's collective bargaining arrangements (not just members of the union). Claims in Northern Ireland are still pending in respect of members of BALPA and no Judgment has been issued yet in respect of these individuals, but is anticipated. Please contact your union if you have any questions (contact information for BALPA is available [here](#)).
 - c. **Cabin Crew (excl. N.Ireland & Scotland):** A judgment has been given in respect of cabin crew (non-management level) who were covered by Unite's collective bargaining arrangements (not just members of the union) at the following airports: East Midlands, Newcastle, Gatwick, Stansted, Manchester and Birmingham. If you are unsure as to whether you are covered you should contact Unite directly (contact information for Unite is available [here](#)). **Please note that Bristol and Cardiff airport are not currently within the scope of this Judgment** but it is anticipated that confirmation will be provided by the Tribunal shortly and further details of individuals will therefore be provided to the RPS as a result of this. Claims in Northern Ireland and Scotland are still pending in respect of members of Unite and no Judgment has been issued yet in respect of these individuals, but is anticipated shortly. Please contact your union if you have any questions.
 - d. **Engineering:** A judgment has been given in respect of engineering employees covered by Unite's collective bargaining arrangements (not just members of the union) at Manchester airport only. If you are unsure if you should be included in this category then please contact Unite directly (contact information for Unite is available [here](#)). **Please note that Bristol and Cardiff airport are not currently within the scope of this Judgment** but it is anticipated that confirmation will be provided by the Tribunal shortly and further details of individuals will therefore be provided to the RPS as a result of this.
3. If you believe that you fall within one of the Judgments that has been issued as detailed above but your details have not been passed to the RPS:
 - a. If you are a member of a trade union please contact them in the first instance;
 - b. If you are legally represented please contact your legal advisor;

- c. Please confirm which of the above Judgments you fall within, your role and location, your full name, DOB, employee number and any change of name since September 2019.

Please note that if you do not provide all of the information requested then your email will not be reviewed. Further we will only respond to your email where the information provided indicates an entitlement to payment under the scope of a current Judgment identified above. If you are not covered by the scope of one of the above Judgments then please do not contact us and read the further information below which reflects the latest status of matters as at today's date.

4. **Claims pending Judgment/further action:**

- a. **Retail staff at store locations and Head Office locations:** The parties are awaiting confirmation from the Employment Tribunal that Head Office retail employees employed by Travel and Financial Services Limited and/or TCCT Retail Limited should be included within the scope of the existing Head Office judgment (see 2.a above). The TSSA has confirmed that their collective bargaining arrangements (e.g. union agreement) means that their Tribunal claims should cover all salaried Retail Store employees (including management, apprentices and non-selling roles). Store based retail claims are being dealt with separately from Head Office and judgment should be given on these claims in due course. Not all former retail employees will be entitled to a protective award claim on the basis that they must have been employed at a location where 20 or more people were made redundant. This is an issue upon which the Tribunal is also due to adjudicate. To the extent that you are unsure whether you are covered by the TSSA's bargaining arrangements, you may wish to contact the union at helpdesk@tssa.org.uk. At present there is therefore **no judgment which covers retail staff at store based locations**. Unite have entered a separate claim for retail staff in the Glasgow Employment Tribunal covering a number of Scottish retail employees. Further information should be sought from the union regarding the status of this claim.
- b. **Airline pilots (Northern Ireland):** Judgment in Northern Ireland is still pending.
- c. **Cabin Crew (Northern Ireland, Scotland, Bristol and Cardiff):** Judgment in Northern Ireland & Scotland is still pending. The Judgment does not currently include Bristol or Cardiff.
- d. **Engineering (Bristol and Cardiff):** The Judgment does not currently include Bristol or Cardiff.
- e. **Unite members not covered by the above:** We understand that a number of individuals who are members of Unite but do not fall within their collective bargaining arrangements have been listed as claimants in the Watford Employment Tribunal (case no 3327705/2019-3327788/2019), **no Judgment has been issued in respect of this group claim** (albeit individuals may be covered by the scope of the Judgment at 2.a above) and further information should be sought from the union directly regarding the status of this claim.
- f. **Numerous individual and group claims:** Multiple individual claims and group claims are being pursued and are still pending within the Employment Tribunal system.
5. If you have not lodged a claim with the Employment Tribunal and you are not a member of a trade union covered by one of the above cases and you are unsure as to whether you may be covered by the above Judgments you may wish to consider lodging a claim with the Employment Tribunal in order to protect your position. If you are legally represented, we would be grateful if you could contact your legal adviser for further information. If you are not legally represented, your local Citizens Advice Bureau or free legal advice clinic may be able to assist, should you require further information.
6. If you have lodged an individual claim or are part of a group claim then the Employment Tribunal should be able to update you in respect of the status of your claim and you should contact them for further information (contact information is available [here](#)). Note that due to the effects of the Covid-19 pandemic, the Employment Tribunals are experiencing delays in moving matters forwards and you may therefore experience a delay in their response. If you are legally represented, you should contact your legal adviser for further information.

7. **Redundancy Payments Service (RPS):**

- a. Please note that if the Employment Tribunal awards you a protective award, you do not need to contact the RPS if you have previously applied to the RPS for a payment. The RPS will contact you. The RPS aim to pay Protective Awards within 12 weeks of receiving information about who is entitled to the award.
- b. If the Employment Tribunal awards you a protective award, you will need to submit an online application if you have not previously submitted a claim to the RPS for payment in relation to your employment with Thomas Cook. You will need to complete an online application at "Claim for redundancy and other money you're owed by an employer - GOV.UK" (www.gov.uk). The 'CN' number can be obtained from redundancypaymentsonline@insolvency.gov.uk. When completing your application, where you are asked "*Is there anything else you wish to tell us about your claim? (optional)*" you should enter in this box that you wish to claim for the protective award payment.

Kind regards