

Employment Law Round-Up from HR Now



[Allan Graham v Flybe Limited \(In Administration\)](#)

Claim:

- Notice pay
- Unpaid wages
- Protective award arising from a failure to carry out collective consultations

Mr Graham was not entitled to a protective award, but won the unpaid wages and wrongful dismissal claims, and awarded a total of £24,847.40.

Summary:

Mr Graham was the only employee based in Jersey and lost his job when the employer went into administration. He brought a claim against his employer for unpaid wages in respect of variable hours worked prior to his termination, as well as a failure to pay his contractual notice. He also brought a claim for a protective award as the employer did not conduct a collective consultation prior to making him redundant.

Tribunal found that the protective award was not applicable as this only applies when there are 12 or more employees affected employees, and Mr Graham was the only employee in Jersey.

The employer did not defend the claims.

Tribunal Judgment:

Tribunal found that the protective award was not applicable as this only applies when there are 12 or more employees affected employees, and Mr Graham was the only employee in Jersey.

However, Mr Graham was due his contractual notice as well as payment for the variable hours owed.

Lessons to be learnt:

Even in the event that a business goes into administration, they must ensure that they fulfil their contractual obligations to their employees. If you have 12 or more employees who will be affected, this includes collective consultation.

