



EMPLOYMENT TRIBUNALS

Telephone Hearing

Claimant Mr M Ryan

Respondent: Halfords Autocentres Limited

HELD AT: Sheffield

ON: 5 June 2020

BEFORE: Employment Judge Little

REPRESENTATION:

Claimant: In person

Respondent: Ms L O'Donnell, Solicitor (Head of Employment Law)

JUDGMENT

This claim is struck out.

REASONS

1. When presenting his claim to the Tribunal, the only box which had been ticked in section 8 of the ET1 form (type and detail of claim) was to indicate that the claimant was making 'another type of claim which the Employment Tribunal could deal with'. The claimant described this as "bullying and forced to quit".
2. The details of claim which were attached were, I am told, a replication of the grievance which the claimant had raised following his resignation on 10 January 2020. The thrust was that the claimant had been badly treated by colleagues and higher management and ultimately that had led him to resign.
3. The claimant was not contending that this bullying had been because of any protected characteristic – in other words he was not complaining of unlawful discrimination under the Equality Act 2010.

4. When defending this claim in their grounds of resistance the respondent pointed out that the claimant had been employed for just under 10 months and in those circumstances the Tribunal would not have the jurisdiction to deal with an unfair dismissal complaint.
5. Today would have been a one day hearing of the claimant's case. However that hearing had to be postponed because at present the Tribunal is not able to conduct face to face hearings due to the pandemic. When deciding to postpone, Employment Judge Lancaster considered the papers and caused a letter to be written to the claimant on 23 March 2020. This pointed out that the claimant did not have two years' continuous service and that his case did not seem to come within the exceptional category of cases where two years' service is not required to bring an unfair dismissal complaint. The Judge went on to point out that an allegation of bullying of itself did not give rise to any claim. The claimant was offered the opportunity of explaining in writing why his claim should not be struck out.
6. The claimant duly wrote to the Tribunal on 28 April 2020. He said that his claim should not be struck out because he was still struggling with all that had happened. He said that it was not just bullying because he had been pushed to the point where he wanted to end his life.
7. I have today repeated to the claimant the explanation of why it appears the Tribunal does not have jurisdiction to hear his complaint. I explained that the Tribunal was not in a position to comment in general terms on the rights or wrongs of the claimant's employment. The fact was that Parliament had provided that the right not to be unfairly dismissed will usually only accrue if the employee has two years' continuous service and clearly Mr Ryan did not have that service. Mr Ryan simply wished to tell me today how badly he believed that he had been treated. Unfortunately that does not alter the fact that the Tribunal does not have the power to deal with his complaint.
8. I expressed the view that it would in retrospect have been better if the respondent had been able to reply to the grievance the claimant had raised. A reply might have meant that the claimant felt it unnecessary to bring proceedings in the Tribunal. However Ms O'Donnell explained that the respondent had a practice of not entertaining grievances raised by ex-employees.

Employment Judge Little
Date 9th June 2020