



# EMPLOYMENT TRIBUNALS

**Between:**

Mr R Johnson  
**Claimant**

**and**

SPS Aerostructures Ltd  
**Respondent**

## **At an Open Attended Preliminary Hearing**

**Held at:** Nottingham

**On:** Tuesday 18 December 2018

**Before:** Employment Judge Blackwell (sitting alone)

### **Representation**

**For the Claimant:** In person

**For the Respondent:** Mr P Brill, Solicitor

**JUDGMENT** having been sent to the parties on 28 December 2018 and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

## **REASONS**

1. Mr Johnson attended in person and Mr Brill attended on behalf of the Respondent – SPS Aerostructures Ltd. I sought to understand with Mr Johnson (appreciating that he is a lay person and unrepresented) the nature of his claims. What he told me was, in summary, that the actions of managers and employees of SPS during the months of October and November 2017 caused him to have work related stress, which in turn led to an absence at work between 16 November 2017 and 2 July 2018 when he returned to work. That absence from work led him to suffer a loss of wages because, instead of normal full pay and bonuses, he was only entitled to contractual sick pay at the rate of two-thirds of normal pay and then a further 3 months statutory sick pay and thereafter nothing at all.

2. As Mr Brill has indicated in his Response form (which of course Mr Johnson has seen and understands), Mr Johnson’s claim can be put in two ways. As a claim for personal injury, in which case this tribunal does not have jurisdiction to hear it.
3. The other way in which he could be advanced is as a breach of contract claim and, unfortunately for Mr Johnson, once again the tribunal does not have jurisdiction to hear such a claim by reason of Article 3c of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 which reads as follows:

***“Extension of jurisdiction***

3. *Proceedings may be brought before an industrial tribunal in respect of a claim of an employee for the recovery of damages or any other sum (other than a claim for damages, or for a sum due, in respect of personal injuries) if—*

...

(c) *the claim arises or is outstanding on the termination of the employee’s employment.”*

4. It is common ground that Mr Johnson remains employed by SPS and therefore it also follows that this tribunal has no jurisdiction to hear Mr Johnson’s claim, irrespective of which way it is put.
5. His claims must therefore be dismissed.

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Employment Judge Blackwell  
Date: 15 February 2019

REASONS SENT TO THE PARTIES ON  
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FOR THE TRIBUNAL OFFICE

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