



# THE EMPLOYMENT TRIBUNALS

BETWEEN

*Claimant*

*Respondent*

Mr Philip Lowery

AND

Vodafone Limited

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Held at: North Shields

On: 31 May 2018

Before: Employment Judge A M Buchanan

### *Appearances*

For the Claimant: Mr Richard Owen – Gateshead CAB

For the Respondent: Mr Andrew MacPhail of Counsel

## **JUDGMENT ON PUBLIC PRELIMINARY HEARING**

It is the judgment of the Tribunal that:

1. The effective date of termination of the employment of the claimant for the purposes of section 97 of the Employment Rights Act 1996 (“the 1996 Act”) was 31 August 2017.
2. The Tribunal does not have jurisdiction to consider the following claims which are out of time and are dismissed:
  - 2.1 The claim of detriment on the ground of having made a protected disclosure advanced pursuant to section 47B of the 1996 Act.
  - 2.2 The claim of automatic unfair dismissal by reason of protected disclosure advanced pursuant to section 103A of the 1996 Act.
  - 2.3 The alternative claim of ordinary unfair dismissal advanced pursuant to sections 94/98 of the 1996 Act.
  - 2.4 The claim of breach of contract advanced pursuant to Article 3 of the Employment Tribunals Extension of Jurisdiction (England and Wales) order 1994.

2.5 Any claim for a declaration in respect of unauthorised deduction from wages in respect of deductions made in 2016 in respect of holiday pay and/or unpaid wages unless falling within section 23(3) of the 1996 Act.

3. The remaining claims for a declaration in respect of unauthorised deduction from wages and unpaid holiday pay can proceed to final hearing pursuant to case management orders issued separately and subject to clarification of the details of those claims. Further argument in respect of whether individual elements of such claims are in time may be advanced at the final hearing if relevant.

**EMPLOYMENT JUDGE A M BUCHANAN**

**JUDGMENT SIGNED BY EMPLOYMENT  
JUDGE ON 31 May 2018**

**Note:** Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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