



EMPLOYMENT TRIBUNALS

Claimant

Mr J Knyziak

v

Respondent

Manpower UK Ltd

Heard at: Huntingdon

On: 23 August 2019

Before: Employment Judge Ord

Appearances

For the Claimant: In person.

For the Respondent: Ms H Donnelly, Solicitor.

JUDGMENT

1. The claimant's claim is dismissed as it has no reasonable prospect of success. The claimant has not identified a legally sustainable claim that he has brought against the respondent.

REASONS

1. This matter was listed for an open preliminary hearing at the respondent's request to determine whether or not the complaint which the claimant brought in these proceedings against Manpower UK Ltd had any reasonable prospect of success.
2. The claimant began employment with Manpower UK Ltd on 26 February 2018.
3. Manpower UK Ltd is an agency which places its employees on assignments with various clients and the claimant was placed on assignment with TNT International at their premises at South Portway Close, Northampton.
4. On 24 July 2018 the claimant wrote to TNT resigning from his assignment with them expressing disappointment that complaints he had raised with TNT about colleagues had not been resolved.

5. On the same day the claimant sent in an email to the respondent expressing his wish to resign from his assignment with TNT.
6. On the same day the claimant met with Amy Long, lead consultant within the respondent's business. She was given a copy of the resignation letter addressed to TNT. The claimant said that he did not wish to raise a complaint at that time.
7. The claimant made no formal complaint until 6 August 2018 when he said he wished to raise a formal grievance but did not give details of his complaints.
8. It took a period of time to arrange a grievance meeting because the claimant was on annual leave as were members of the respondent's business based in Milton Keynes so the grievance meeting did not take place until 1 October 2018. The complaints raised related to the conduct of TNT employees and thus TNT were required to investigate. The respondent did not receive the last of the evidence they had requested from TNT until 21 February 2019.
9. Before me today, the claimant was asked to set out precisely what his complaint was against the respondent. His answer was that it had taken a very long time to conduct the grievance proceedings which had been unnecessarily drawn out including the respondent arranging a grievance meeting at a time when the claimant was on holiday (booked some months earlier with the respondent).
10. The claimant, on the evidence which I have, remains employed by the respondent although he has not taken up any further assignments since he left TNT.
11. I asked the claimant why he believed the grievance had taken so long, was it a deliberate act by the respondent to delay the grievance. The claimant said that it was a deliberate act and when I asked him why the respondent would behave that way he said that it was because TNT were a main client of the respondent business so they did not wish to investigate allegations about them.
12. That being the basis of the claimant's complaint against the respondent no legally sustainable claim against them had been identified. The tribunal has no jurisdiction to deal with the conduct of parties to a contract of employment whilst that contract subsists, absent any allegations of discriminatory or other unlawful conduct on the part of the respondent and none had been alleged in this case.
13. Taking the claimant's case at its highest he has not identified any allegations of discriminatory or other unlawful conduct which could proceed in the tribunal against the respondent. The claimant's complaint is that the respondent acted as they did because of commercial considerations and the tribunal has no jurisdiction in that area.

14. For those reasons the claimant has not identified a legally sustainable complaint in respect of which the tribunal has jurisdiction. The claim made against the respondent therefore has no reasonable prospect of success and the claimant's claim is dismissed.

Employment Judge Ord

Date: 2 September 2019

Sent to the parties on:

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For the Tribunal Office