

Case Nos: 1801614/2020
1801691/2020
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EMPLOYMENT TRIBUNALS

Claimant Mr SW Fletcher
Mr C Brearley
Mr I Lamb
Mr L Davidson
Mr L Tickhill
Mr M Kerry
Mr T Harrap

Respondent: Axis Group

HELD AT: Leeds **ON:** 11 May 2020

BEFORE: Employment Judge Brain

REPRESENTATION:

Claimants: Mr SW Fletcher
Respondent: Mr P Paget, Solicitor

JUDGMENT AT PRELIMINARY HEARING

The Judgment of the Employment Tribunal is that:

- 1- The claimants' claims brought under the Transfer of Undertakings (Protection of Employment) Regulations 2006 were presented to the Employment Tribunal outside the time limit provided for by the 2006 Regulations in circumstances in which it was reasonably practicable to have presented the claims in time. Accordingly, the Tribunal has no jurisdiction to consider them.
- 2- The claims brought by Messrs Fletcher, Brearley, Lamb, Davidson and Tickhill that the respondent made an unlawful deduction from their wages when the

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respondent failed to pay to each of them the appropriate long service award when it fell due (*after 40 years' service in the cases of Messrs Fletcher and Brearley and 30 years' service in the cases of Messrs Lamb, Davidson and Tickhill*) were presented to the Employment Tribunal outside the time limit provided for by the Employment Rights Act 1996 in circumstances in which it was reasonably practicable to have presented the claims in time. Accordingly, the Tribunal has no jurisdiction to consider the claims.

- 3- The claims brought by Messrs Kerry and Harrap that the respondent made an unlawful deduction from their wages when failing to pay to each of them a long service award when it fell due are struck out. The claims have been brought prematurely as any entitlement to a long service award after 40 years of service has not yet arisen and no right of action has yet accrued.

Employment Judge Brain
Date 18 May 2020