



EMPLOYMENT TRIBUNALS

Claimant: Mr A Haq

Respondents:

1. AJ Catering Ltd t/a The Spice Centre Restaurant
2. Mr Abu Bakar

JUDGMENT

1. The complaint that the claimant was made redundant is struck out.

REASONS

1. The claimant brings claims of redundancy and for notice pay.
2. Section 155 of the Employment Rights Act 1996 requires a claimant to have not less than two years' service to have a right to a redundancy payment.
3. Under section 86 Employment Rights Act 1996 a person only has a statutory right to notice if they have been employed for more than one month.
4. The claimant was employed by the respondent for less than one month.
5. Therefore the claimant is not entitled to bring the claim of redundancy.
6. The claimant has failed to give an acceptable reason, despite being given the opportunity to do so, why the complaints of redundancy.
7. In respect of the claim for notice pay, although the claimant is not entitled to notice by virtue of the Employment Rights Act 1996, it is a matter for the Tribunal at the final hearing to decide whether there was a contract between the claimant and either respondent and, of so, whether there was an express or implied term as to notice.
8. Accordingly, the complaint of redundancy is struck out. The claimant's other complaints are not affected by this judgment.

Employment Judge **Dawson**

Date: 24 July 2020

JUDGMENT SENT TO THE PARTIES ON 31 July
2020 by e-mail only

.....

.....
FOR THE TRIBUNAL OFFICE