



5
EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4120662/2018

10
**Held in Glasgow on 27 February 2019 (Preliminary Hearing);
6 & 13 March 2019 and 17 April 2019 (Written Representations);
and 31 May 2019 and 29 July 2019 (Deliberation in chambers)**

Employment Judge I McPherson

15
Mr Kyle Johnston

Claimant

20
SLK Scaffolding Services Ltd

Respondents

25
JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The Judgment of the Employment Tribunal is that:

(1) Having heard evidence from both parties, and considered both parties' representatives' closing submissions, as intimated to the Tribunal by way of written representations after the close of evidence at this Preliminary Hearing, the Tribunal finds that the claimant, who resigned from the respondents' employment on 30 May 2018, does not have sufficient qualifying service, of at least two years' continuous employment with the respondents, in terms of **Section 108 of the Employment Rights Act 1996**, to bring his complaint of unfair constructive dismissal against the respondents, the respondents having established that the claimant's employment with them started only on 13 September 2016, and the claimant having failed to establish that payments

35
E.T. Z4 (WR)

received by him prior to that date from the respondents were in respect of his employment by them, and, accordingly the Tribunal dismisses this claim as being outwith the jurisdiction of the Tribunal.

5 (2) In these circumstances, it is now unnecessary for the Tribunal to consider the case management applications of 6 March 2019 in the claimant's representative's closing submissions to the Tribunal, including the deferred application of whether this case should be combined with the linked case brought by the claimant's mother, **Mrs Christine Ferguson**, against the same respondents, under case no. **4118273/2018**.

10 (3) The Tribunal allows that other claim and response to proceed to a Final Hearing on the merits, for full disposal, including remedy if appropriate, before a full Tribunal, on dates to be hereinafter assigned by the Tribunal after the standard date listing process for the proposed listing period of **October, November and December 2019**, and instructs the clerk to the Tribunal to write to both parties' representatives under separate cover in that regard.

REASONS

20 Written Reasons for this reserved Judgment of the Tribunal are reserved, and they will be issued in writing, at a later date, in terms of **Rule 62 of the Employment Tribunals Rules of Procedure 2013**.

25

I McPherson
Employment Judge

30

13 September 2019
Date of Judgment

Date sent to parties

19 September 2019