



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr R Sullivan

v

Almas Industries UK Ltd

Heard at: London Central (by video)

On: 15 and 16 December 2020

Before: Employment Judge P Klimov, sitting alone

Representation

For the Claimant: in person

For the Respondent: Ms L Veale (of Counsel)

This has been a remote hearing which was not objected to by the parties. The form of remote hearing was by Cloud Video Platform (CVP). A face to face hearing was not held because it was not practicable due to the Coronavirus pandemic restrictions and all issues could be determined in a remote hearing.

JUDGEMENT

1. The principal reason for the claimant's dismissal was not one of the reasons set out in sections 101A(1)(a), 101A(1)(b) or 104(1)(b) of the Employment Rights Act 1996 (ERA). Therefore, the claimant cannot be automatically regarded for the purposes of Part IX of ERA as unfairly dismissed.
2. The principal reason for the claimant's dismissal was the respondent's decision to cut costs of personnel due to the ensuing Covid-19 pandemic.
3. The claimant has not been continuously employed by the respondent for a period of not less than two years ending with the effective date of termination, to have the right to bring an "ordinary" unfair dismissal claim under section 94 of ERA.
4. Therefore, his claim of unfair dismissal fails and is dismissed.

Employment Judge P Klimov
16 December 2020

Sent to the parties on:

17/12/2020

For the Tribunals Office

Notes

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant (s) and respondent(s) in a case.