



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr S O'Doherty

v

Yell Sales Limited

Before: Regional Employment Judge Foxwell

On: 15 February 2021

JUDGMENT REFUSING RECONSIDERATION OF REJECTION

The claimant's application for reconsideration of the rejection of his claim is refused.

Reasons

1. The claimant was employed by the respondent as a tele-sales consultant. The respondent's head office is in Reading but the claimant was employed in its Belfast office.
2. On 20 November 2020 the claimant presented claims of automatic unfair dismissal for alleged protected (whistle-blowing) disclosures and for breach of contract as to notice using the on-line system for such claims operational in England & Wales.
3. The claim was assigned to the South-East Region of the Employment Tribunals (England & Wales) based on the postcode of the respondent's head office. The claimant had identified his place of work as Belfast in box 2.4 of his claim form.
4. The claim was referred to me and on 7 December 2020 I directed that it should be rejected on the basis that the claim should have been presented in Northern Ireland. Unfortunately and unhelpfully, the clerk did not provide this full explanation in the Tribunal's letter dated 14 December 2020 rejecting the claim, rather she simply said that it had been rejected because the Tribunal did not have jurisdiction.

5. The claimant's solicitors asked for reconsideration of this rejection on 22 December 2020 and Employment Judge Quill directed that the administration provide a fuller explanation of the reason for rejection which was done under cover of a letter dated 31 December 2020.
6. The claimant's solicitors renewed their application for reconsideration by letter dated 14 January 2021 and sent an email chasing a response on 9 February 2021.
7. While this request was made outside the 14 day time limit in Rule 12 of the Tribunal's Rules of Procedure, I have extended time for it given the history set out above.
8. I refuse the request for the following reasons. The claims presented are ones made under the Employment Rights Act 1996 and the Extension of Jurisdiction (England & Wales) Order 1994. The 1994 Order was itself made under section 3 of the Employment Tribunals Act 1996. Section 244(1) of the Employment Rights Act and section 47 of the Employment Tribunals Act state that their provisions do not extend to Northern Ireland.
9. I remain of the view that this claim was correctly rejected as the claimant was employed in Northern Ireland. This tribunal does not have jurisdiction over employment disputes arising there. There is no power to transfer such claims from this jurisdiction to Northern Ireland.

Regional Employment Judge Foxwell

Date: ...15 February 2021.....

Sent to the claimant on:25/02/2021...
T Henry-Yeo

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For the Tribunal Office