



# EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**

Mr D Woods

AND

**Respondents**

Royal Cornwall Hospitals NHS Trust (1)

Ms Kate Shields (2)

Ms Kerry Eldridge (3)

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD BY TELEPHONE

ON

18 March 2022

**Representation:**

**For the claimant: Did Not Attend**

**For the Respondent: Mr J Pearce, Solicitor**

## **JUDGMENT**

1. The claimant's claims for (i) automatically unfair dismissal under section 103A of the Employment Rights Act 1996 ("the Act"); (ii) less favourable treatment under the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002; (iii) for entitlement to a statutory redundancy payment under section 135 of the Act; and (iv) for a protective award under section 189 of the Trade Union & Labour Relations (Consolidation) Act 1992 ("TULR(C)A") are all claims which can only be brought against his former employer (the first respondent), and for this reason these claims are dismissed as against the second and third respondents; and
2. The claimant was not employed for a continuous period of not less than two years and is not therefore entitled to a statutory redundancy payment by reason of section 155 of the Act, and this claim is dismissed; and
3. The duty of the first respondent to consult representatives under section 188(1) of TULR(C)A was not engaged because the first respondent did not propose to dismiss as redundant 20 or more employees, and in any event there were recognised trade unions and the claimant is not therefore entitled to bring a complaint under section 189(1) of TULR(C)A, and accordingly the claimant's claim for a protective award is dismissed under Rule 37(1)(a) as having no reasonable prospect of success; and

4. The claimant's claim alleging less favourable treatment under the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002 requires comparison with a comparable permanent employee under Regulation 3(1), and none of the three comparators named by the claimant were permanent employees, and this claim is therefore struck out under rule 37(1)(a) because it has no reasonable prospect of success, and also under Rule 37(1)(c) and (d) as explained in the next paragraph; and
5. The claimant's remaining claims for (i) automatically unfair dismissal under section 103A of the Act; (ii) for detriment arising from public interest disclosures under section 47B of the Act; (iii) for discrimination because of the protected characteristics of sex and/or age; and (iv) for less favourable treatment under the Fixed Term Employees (Prevention of Less Favourable Treatment) Regulations 2002, are all struck out under Rules 37(1)(c) and (d) because the claimant has failed to comply with orders of the Tribunal, and the claims have not been actively pursued.

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Employment Judge N J Roper  
Dated 18 March 2022