



EMPLOYMENT TRIBUNALS

Claimant: Mr D Sykes

Respondents: Aviva Employment Services Limited

Heard at: Leeds by CVP

On: 5 December 2022

Before: Employment Judge Evans (sitting alone)

Representation

Claimant: in person

Respondent: Ms Whittington, counsel

This has been a remote hearing. The form of remote hearing was by video (CVP).

JUDGMENT

1. It was not reasonably practicable for the claimant to present his breach of contract claim within three months less one day of the effective date of termination and he presented it within a reasonable further period. That claim is not therefore out of time.
2. If any act of age discrimination took place on 26 November 2021, it is just and equitable to extend time and so the claimant's claim of age discrimination is not out of time.
3. In light of the approach agreed at the Hearing on 5 December 2022, when any act of age discrimination took place remains to be decided. If it took place earlier than 26 November 2021, the respondent may argue both that the claim was presented outside the primary time limit (because there was no continuing act) and also that it would not be just and equitable to extend time).

Employment Judge Evans

Date: 5 December 2022

JUDGMENT SENT TO THE PARTIES ON

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Public access to employment tribunal decisions

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

Note - 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.