



EMPLOYMENT TRIBUNALS

Claimant Mrs Ramute Paplauskiene

Respondent Euroselect

Heard at: Cambridge

On: 30 May 2023

Before: Employment Judge Boyes
Mrs K. Omer
Mr J. Vaghela

Appearances

For the Claimant: In person

For the Respondent: Mr A. Xhemajli (owner and sole trader)

JUDGMENT

The Claimant did not comply with the early conciliation requirements. The Tribunal therefore has no jurisdiction to deal with her claim.

REASONS

1. The claimant lodged her claim form with the Tribunal on 3 October 2021. She claimed unfair dismissal (automatic on the grounds of pregnancy) and that she had suffered a detriment and discrimination relating to pregnancy.
2. In the claim form the claimant ticked the box to confirm that she did not have an Acas early conciliation certificate number. She instead claimed an exemption on the basis that another person who she was making a claim with had an Acas early conciliation certificate number.
3. On the 18 November 2021, the Tribunal requested further details in relation to the exemption claimed. The Tribunal wrote to the claimant again on the 13 December 2021 and explained that she either needed to provide an Acas early conciliation certificate or, in the alternative, provide details regarding the exemption relied upon.
4. An early conciliation certificate was issued by Acas on the 29 December 2021, the conciliation period having commenced on the same date.
5. At the hearing, the claimant accepted that she was not aware that she was required to obtain an early conciliation certificate until she was informed of

this by the Tribunal in the letter dated 13 December 2021. At that point she contacted Acas and undertook early conciliation. On 18 January 2022 the Tribunal acknowledged the claim and accepted it. The respondent then filed the response on 28 January 2022.

6. Section 18A Employment Tribunals Act 1996 requires that an Acas early conciliation certificate be obtained before proceedings in the Employment Tribunals are instituted unless certain exceptions apply. No exceptions apply in this case. Recent caselaw has confirmed that if an individual does not have an Acas early conciliation certificate prior to lodging their claim then the Tribunal has no jurisdiction to deal with the matter.
7. It is for the claimant to decide whether to issue a further claim, this time including with it an Acas conciliation certificate and details. If the claimant were to submit a further claim, then the Tribunal would then consider whether or not had it has jurisdiction. If it decided that it did have jurisdiction, it would apply the relevant statutory tests to establish whether or not the claim should be allowed to proceed even though it is out of time.
8. Whilst the respondent is named as Euroselect, Mr Xhemajli is a sole trader and Euroselect is his trading name.

Employment Judge Boyes

Date: 16 June 2023

3/7/2023

Sent to the parties on:

J Moossavi

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For the Tribunal Office**

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