



# EMPLOYMENT TRIBUNALS

**Claimants:** Mr T Kanabkaew  
Miss P Thesvisarn  
Mr B Utthayanin

**Respondent:** H-Line Hospitality Ltd

## JUDGMENT

The complaint that the claimants are entitled to a redundancy payment under section 155 of the Employment Rights Act 1996 is struck out.

## REASONS

1. By a letter dated 20 October 2023 the Tribunal gave the claimant an opportunity to make representations or to request a hearing, as to why the complaint that the claimants are entitled to a redundancy payment under section 155 of the Employment Rights Act 1996 should not be struck out because it has no reasonable prospect of success in view of the fact that the claimants were employed for less than two years.
2. The claimants responded by email on 1 November 2023. It is apparent from that email that the “redundancy pay” being claimed relates to an alleged contractual agreement between the claimants and the respondent, rather than a statutory redundancy payment. The claimants are able to pursue that argument under their complaint of breach of contract, which will proceed. However, the terms of section 155 of the Employment Rights Act 1996 are clear that continuous employment for a period of not less than two years is required in order to claim a statutory redundancy payment. There is no dispute that the claimants do not meet that requirement.
3. The claim for a statutory redundancy payment is therefore struck out. The remainder of the claim shall proceed.

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Employment Judge Abbott

30th January 2024

JUDGMENT SENT TO THE PARTIES

ON

26<sup>th</sup> April 2024

P Wing

FOR THE TRIBUNAL OFFICE