



EMPLOYMENT TRIBUNALS

Claimant: Mr W Trodd

Respondent: Southampton City Council

Heard at: Exeter (by CVP)

On: 12 July 2024

Before: Employment Judge Volkmer

Representation

Claimant: in person

Respondent: Mr Forrest (solicitor)

JUDGMENT

The claim is dismissed as it does not identify any complaint which the Employment Tribunal has jurisdiction to determine.

REASONS

1. The Claimant has been employed as an HGV driver by the Respondent since 21 April 1986. He remains employed by the Respondent.
2. The Claimant notified ACAS on 7 December 2023, the ACAS certificate was issued on 3 January 2024 and the Claimant presented his claim on 3 January 2024.
3. The Claimant's ET1 form sets out that drivers within refuse, street cleaning and the parks departments have always been on the same pay grade for driving vehicles: grade 6 for HGV drivers. Now HGV drivers within the refuse department have been upgraded to grade 7 because of a job evaluation in August 2022 which put them on grade 7. The Claimant considers this to be unfair.
4. The orders of Employment Judge Midgley were sent to the parties in a letter dated 19 June 2024. This set out that:

"3. The Claimant's claim seems to be in respect of wages he argues he should have received had his role been evaluated at a higher grade, rather than for wages which he was entitled to under the terms of his contract but

which were either (a) subject to deductions or (b) were in fact never paid or underpaid.

4. If that is the nature of the claim, it cannot be brought:

a. under the Employment Rights Act for a claim of unauthorised deductions from wages, because such claims are dependent on deductions having been paid or, pursuant to s.13(3) of the Act, where the sum paid to the Claimant is less than the sum properly to be paid under the contract;

b. under the Employment Tribunals (England and Wales) Extension of Jurisdiction Order 1994 as a claim for breach of contract because such claims can only be brought where they arise out of or were outstanding when the contract was terminated, and it appears that the Claimant is still employed and his contract has not been terminated.

5. The Tribunal has no jurisdiction to hear claims about the performance or outcomes of job evaluations unless it is alleged that the manner in which they were conducted amounted to unlawful discrimination contrary to the Equality Act 2010, and that is not the Claimant's claim.

6. The Claimant must therefore write to the Tribunal and the Respondent within 14 days to clarify the legal basis on which he brings his claim.

5. The Claimant responded on 25 June 2024 by email. However the contents of the email did not disclose any ground of claim or facts which differed from the original claim. The complaint still related to the unfairness of HGV drivers in the refuse department being evaluated at grade 7, which the Claimant deems to be unfair as his role is at grade 6.
6. In the hearing I explained to Mr Trodd that the Tribunal was created by statute and only had jurisdiction as set out in those statutes. In the absence of an equal pay or discrimination claim under the Equality Act 2010 there was no jurisdiction for the Employment Tribunal to hear allegations of unfair treatment in relation to the outcome of a job evaluation.
7. Mr Trodd repeated the same manner of complaints. He was not able to identify any legal claim which the Employment Tribunal had jurisdiction to determine.
8. In the absence of jurisdiction to determine the Claimant's complaints, the claim is therefore dismissed.

Employment Judge Volkmer

12 July 2024

JUDGMENT & REASONS SENT TO THE PARTIES ON
08 August 2024 By Mr J McCormick

FOR THE TRIBUNAL OFFICE

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>