



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr J Roberts

v

Photo Corporation UK Limited

Heard at: Cambridge

On: 3 July 2018

Before: Employment Judge LB James

Appearances

For the Claimant: In person.

For the Respondent: Did not attend and was not represented.

JUDGMENT

1. The Claimant's claim is dismissed.

REASONS

1. This claim came before the Employment Tribunal sitting at Cambridge on 3 July 2018. The issue to determine was whether the Tribunal had jurisdiction to hear the Claimant's claim for a protective award. In accordance with s.192 (2) Trade Union and Labour Relations (Consolidation) Act 1992 a claim for a protective award must be presented within 3 months. The issue was whether the Claimant had brought the claim within and limitation period and if not, whether it had been reasonably practicable to have presented the claim within the limitation period.
2. The Claimant had been part of the management team of the Respondent. On 5 July 2017 he was told that all employees were being made redundant. He told me that he was informed that this would be 20 employees. He told me that he was aware of 27 people who worked for the Respondent but he claims that he later found out that 37 people had been made redundant. He told me that it was as a result of meeting a former colleague that he discovered that there had been 37 redundancies and this his colleague had obtained a protective award. He issued his

claim a few days later. He told me that at the time of being made redundant he had not thought of obtaining legal advice as he was more concerned with getting another job. He did not meet or discuss the redundancies with anyone else.

3. I have noted that the Claimant was part of the management team for the Respondent. He ought to have been aware of the general number of employees who would be affected by the redundancies. Regardless of this the Claimant had plenty of opportunity to obtain advice on his legal rights but he failed to do so. It is understandable that he concentrated on getting a new job but that does not make it not reasonably practicable to have brought a claim.
4. In the above circumstances I find that it was reasonably practicable for the Claimant to have brought his claim within the primary limitation period of 3 months and there is no basis to extend that period.

Employment Judge James

Date: ...25/07/2018.....

Sent to the parties on:

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For the Tribunal Office