



EMPLOYMENT TRIBUNALS

Claimant: Miss K Ashby

Respondent: Solo Protect Ltd

HELD AT: Sheffield

ON: 18 February 2019

BEFORE: Employment Judge Little

REPRESENTATION:

Claimant: In person (accompanied by Miss Bell, PSU volunteer)

Respondent: Mr Mallett of Counsel (instructed by Howarths HR and Employment Law Limited)

JUDGMENT

My Judgment is that:-

1. The claimant was not dismissed for a health and safety reason pursuant to Employment Rights Act 1996, section 100(1)(d).
2. Nor was the claimant dismissed for a reason related to time off under section 57A of the same Act because at the material time the claimant did not have the right she contends for, time off pursuant to section 57A(1)(d).
3. For the avoidance of doubt the Tribunal did not have jurisdiction to consider an "ordinary" unfair dismissal complaint because the claimant's length of service did

not give her the right not to be unfairly dismissed (save for automatically unfair - reasons which did not exist in this case).

Employment Judge Little
Date 21st February 2019

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.

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