



EMPLOYMENT TRIBUNALS

Claimant: Mr A Ahir

Respondent: Scot Group Ltd t/a Switch Car Rental and Thrifty Car and Van Rental

Heard at: Watford Employment Tribunal by CVP remote hearing

On: Wednesday 30 October 2024

Before: Employment Judge Hallen

Representation

Claimant: In person

Respondent: Ms K. Bates- Solicitor

JUDGMENT

This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was by Cloud Video Platform. A face-to-face hearing was not held because the relevant matters could be determined in a remote hearing.

The judgment of the Tribunal is that: - The Claimant's application for interim relief fails. The Respondent shall file its Response Form, and the claim will proceed to a preliminary hearing to determine further conduct of the case thereafter

REASONS

1. By a Claim Form presented on 2 October 2024, the Claimant brought claims arising out of the termination of his employment. He indicated in the Claim Form that he did not have an ACAS Early Conciliation Certificate because he was making an application for interim relief.

2. The claim had been presented within the time limit for making an interim relief application and was listed for an interim relief application hearing before me today. The claim has been served on the Respondent although a Response Form has not yet been presented to the Tribunal.

3. The parties attended the hearing today and presented separate bundles of documents. In addition, witness statements were also presented but the parties agreed at the outset of the hearing that no oral evidence would be presented at the hearing pursuant to Rule 95 of the Employment Tribunal Rules of Procedure 2013 ('the Rules') so the statements were not considered by me. I was referred by the parties to the relevant documents in their respective bundles to consider before the parties made oral submissions. The Respondent had prepared a written skeleton argument that I was also referred to.

4. The application was determined by me on the basis of oral submissions as s.128(3) Employment Rights Act 1996 ("ERA") requires the Tribunal to determine an interim relief application as soon as is practicable.

5. In considering whether to grant interim relief I had to consider whether it is "likely" that the Tribunal will ultimately find that the reason for the Claimant's dismissal was a proscribed reason as set out in s.129(1)(a) ERA. Specifically, for the purposes of this case, I have to consider whether it is "likely" that a Tribunal will ultimately find that the Claimant was dismissed due to having made a protected disclosure.

6. On the basis of the information set out by the parties in the documentary evidence that I was referred to, I cannot make such a finding. In particular: a. I am not satisfied the principal reason asserted by the Claimant for his dismissal was due to him having made a protected disclosure, b. In the Claimant's own grievance dated 18 September 2024, he grieved about his poor working relationship with another employee who was tasked with training him along with making a grievance about health and safety. c. The co-employee lodged a counter-grievance on 23 September 2024 against the Claimant in respect of his conduct towards her.

7. The application for interim relief must therefore fail. The parties will be notified separately of the next steps in the case.

Employment Judge Hallen
Dated: 30 October 2024

JUDGMENT & REASONS SENT TO THE PARTIES ON
Date: 25 November 2024

FOR THE TRIBUNAL OFFICE

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