



## EMPLOYMENT TRIBUNALS

**Claimant**  
**Mr I Harrison**

**Respondent**

**R1) Trident Civils Limited**  
**v R2) Mr Lee Keith**  
**R3) Linbrook Services Limited**

## PRELIMINARY HEARING

**Heard at:** Leeds **On:** 16 January 2017  
**Before:** Employment Judge Burton

### Appearances

**For the Claimant:** Mr I Coombes, solicitor  
**For the Respondents:** Mrs C Wilbraham, head of HR  
Mr L Keith

## JUDGMENT

Pursuant to the preliminary issues identified by Employment Judge Rostant to be addressed at the preliminary hearing that took place on the 10<sup>th</sup> October 2016 it is the Judgment of this Tribunal that:

1. There was a transfer of undertaking on the 1<sup>st</sup> July 2016 between Morrisons PLC and the first Respondents, Trident Civils Limited and then a subsequent transfer of undertaking in or about September 2016 from Trident Civils Limited to Linbrook Services Limited (the third Respondent).
2. The Claimant did not refuse to transfer to the Respondents.
3. All claims as against the third Respondents be struck out on the grounds that they have no reasonable prospect of success it being clear that the Claimant was dismissed by the first Respondents on or about the 19<sup>th</sup> July 2016 and, accordingly, was not in the employment of the first Respondents 'immediately before' the transfer to the third Respondents.

Employment Judge Burton

Date: 26 May 2017