



EMPLOYMENT TRIBUNALS

Claimant
Mr M Amaddio

Respondent
Met T&S Limited

JUDGMENT

Heard at: Central London Employment Tribunal On: 29 March 2019

Before: Employment Judge Norris, sitting alone

Appearances

For the Claimant: Mr S Bisson, Counsel
For the Respondents: Mr S Macchi di Cellere, Solicitor

Having heard submissions from the parties, the preliminary issues are determined as follows:

1. The complaint of unfair dismissal was brought in time. However, the Tribunal does not have jurisdiction to hear it because the Claimant did not have two years' continuous service. There was no discernible allegation in the claim form (submitted on 18 November 2018) of either public interest disclosure ("whistleblowing") dismissal or discrimination (age and/or disability), which would not have required the same period of service.
2. In any event, the claim was brought against Met T&S Limited, and not against TGT Limited (with whom the Claimant had a contract of employment) or Mr Miglietta, with whom the Claimant says he entered a personal and direct contract. There was no Early Conciliation certificate against either TGT Limited or Mr Miglietta and accordingly the claims could not proceed against them.
3. The complaint of unlawful deduction from wages was brought of time and against the wrong entity. It is the Claimant's case he entered a contract with Mr Miglietta in addition to that with TGT. Nonetheless, he has failed to enter Early Conciliation and/or to name Mr Miglietta in the claim form. Further, he expected to be paid by 31 May at the latest and therefore had until 30 August to enter Early Conciliation but did not do so until 14 October 2018.
4. The application to amend is refused. The Claimant has been represented throughout, notwithstanding English is not his first language. His representatives have been on notice of the defects alleged above since submission of the ET3 and repeatedly thereafter. No explanation was

advanced as to why the application to amend was not made until part-way through the Hearing on 29 March 2019.

5. Accordingly, the Tribunal does not have jurisdiction to hear the claim, or any part of it, and it is struck out.
6. I did not deal with the Respondent's application for costs because the Claimant might have wanted to give evidence but there was no interpreter; there was a lack of time; and in any event, the Respondent was invited to consider its position in this regard. If it makes such an application within the normal time limit applicable, the Claimant shall have 28 days to respond in writing (including with any evidence of means he wishes me to take into account) and I will consider it on the papers.

Employment Judge Norris

29 March 2019

JUDGMENT SENT TO THE PARTIES ON

4 April 2019

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FOR THE TRIBUNAL OFFICE