



# EMPLOYMENT TRIBUNALS

**Claimant: Mr M Edunyah**

**Respondents: (1) Stellar (Holdings) Limited  
(2) Hull Blyth (IOM) Limited**

**Heard at:** London Central

**On: 19 January 2018**

**Before Judge: A Isaacson**

## Representation

Claimant: Ms S Ibrahim, Counsel

Respondents: Mr A Ohringer, Counsel

# JUDGMENT

## The Judgment of the Tribunal is as follows:

1. The employer is Hull Blyth (IOM) Limited. Any claims against Stellar (Holdings) Limited are dismissed and the company name is removed from the proceedings.
2. The Tribunal does not have territorial jurisdiction to hear the Claimant's claims for unfair dismissal, race discrimination and harassment and subsequently those claims fail and are dismissed.

# REASONS

3. Full reasons were given to the parties at the preliminary hearing. In brief the Claimant was unable to demonstrate to the Tribunal that he had a sufficiently strong connection with Great Britain and British employment law for it to be inferred that Parliament would have intended that he should be permitted to

benefit from protection against unfair dismissal, discrimination and harassment.

4. The Tribunal made a careful analysis of the factual matrix. In summary, the Claimant's contract was with a company based in the Isle of Man and not the UK. He was based and worked in West Africa, mainly in Ghana. His work was exclusively outside the UK. He took the majority of his instructions from his line manager who was based in Ghana but occasionally took instructions from directors in the UK. The work he did benefited the Respondent's Group companies in West Africa. He was taxed in Ghana. At the time of his dismissal HR was based in UK.
5. The fact that the Claimant is a UK citizen and that his contract stated that it was covered by English law and that the Respondent's representatives seemed to believe the English Employment Tribunal had jurisdiction is not enough. Nor is the Tribunal persuaded by the fact that the Respondent treated expatriates differently to local employees who were employed by Hull Blyth Ghana Limited. Or that the Claimant received a flight allowance and medical cover. These factors were considered but aren't enough to demonstrate a strong connection.

Employment Judge Isaacson on 19 January 2018