

JERSEY / JUDGMENT

Ryan Anderson v Jubilee Scaffolding Company Limited

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IN THE JERSEY EMPLOYMENT AND DISCRIMINATION TRIBUNAL BETWEEN RYAN ANDERSON CLAIMANT AND JUBILEE SCAFFOLDING COMPANY LIMITED RESPONDENT LEAVE TO APPEAL JUDGMENT Reference: [2025] TRE 207A Before: Advocate Dr E Moran, Chairman Decision The Respondent's application for leave to appeal is refused.

Reasons

Background

1. Jubilee Scaffolding Company Limited ("Jubilee") seeks leave to appeal the judgment dated 9 March 2026 published at [2025] TRE 207 (the "Judgment"). The Tribunal ordered Jubilee to pay Ryan Anderson damages of £2,940 for unpaid wages, damages of £1,400 for notice pay, and compensation of £560 for a late contract and two missing wage slips. 2. Jubilee seeks to appeal two aspects of the judgment, namely the unpaid wages and notice pay. The application for leave to appeal was submitted by Sarah Wayne on 16 March 2026. 3. Article 94 of the Employment (Jersey) Law 2003 (the "Employment Law") provides for appeals to the Royal Court solely on a question of law. The following can be questions of law (see the judgment of the Royal Court in Raducan v Pizza Express Limited

[2020] JRC 253 following Sumera v Atlantique Seafood [2019] JRC 164]): -

- a. The Tribunal got the law wrong or misapplied the law.
- b. The Tribunal had no evidence to support a conclusion or finding of fact.
- c. The Tribunal made a decision that no reasonable Tribunal could have made or reached a decision that was obviously wrong.
- d. The Tribunal did not follow the correct procedures and this affected the judgment. 4. Leave is only granted where a point of law has arisen that would lead to the original decision of the Tribunal being set aside. 5. The first ground of appeal is that Jubilee was unable to pay Mr Anderson's wages during late August and September 2025 because of the fragility of the construction industry and a failure on the part of the Government to adequately deal with the situation. The point is made that Jubilee pays about £50,000 per annum to the Government part of which goes to the Social Security Department. Mr Anderson suffered no

financial loss because the Department covered his salary while he wasn't working. 6. As I indicated in paragraph 17 of the Judgment this is irrelevant. Mr Anderson was contractually entitled to be paid for 40 hours a week. The money is due irrespective of whether he is in receipt of Income Support. Leave to appeal on this ground is refused. 7. The second ground of appeal relates to the claim for notice pay. The Tribunal concluded that Mr Anderson resigned because of the failure to pay him for 21 days. Attached to the application for leave are various messages sent by Mr Anderson on 27 September 2025 the day before he resigned. It is said that the messages contradict Mr Anderson's claim that he resigned because of the unpaid wages. The difficulty is that Mrs Wayne did not provide these messages either before or at the hearing. There is no suggestion in the appeal application that she was unable to submit them earlier. Even if the messages support Jubilee's case (which is far from clear), it is too late to introduce them after the case has concluded. Leave to appeal on this ground is therefore refused. Advocate Dr E Moran, Chairman Dated 24 March 2026

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Prepared on 28 October 2026 · Esheria