



**THE EMPLOYMENT AND DISCRIMINATION TRIBUNAL**

**Applicant:** Ms Natasha Fewings

**Respondent:** Safehaven Crew Services PCC Limited Cell Tiramisu

**Tribunal:** Susan Gordon Hardy (sitting alone)

**Decision of the Tribunal**

Having considered written submissions the Tribunal finds that it has no jurisdiction to hear and determine the Applicant's complaint and the Applicant's claim is dismissed pursuant to section 1. (1) (a) of the Employment and Discrimination Tribunal (Guernsey) Order, 2020.

.....  
Signature of the Chairperson

19 August 2024  
.....  
Date

Any Notice of an Appeal should be sent to the Secretary to the Tribunal within a period of one month beginning on the date of this written decision.

The detailed reasons for the Tribunal's Decision (Form ET3A) are available on application to the Secretary to the Tribunal, The Secretary to the Tribunal, Edward T Wheadon House, The Truchot, St Peter Port, Guernsey, GY1 3WH.  
(Telephone: 01481 220025)  
Email: [Employmentrelations@gov.gg](mailto:Employmentrelations@gov.gg).

**ED020/23**

**Miss Natasha Fewings v Seahaven Crew Services PCC Limited, Cell Tiramisu**

**The legislation referred to in this document is as follows:**

The Employment Protection (Guernsey) Law, 1998, as amended (the "Law")

The Employment and Discrimination Tribunal (Guernsey) Order, 2020 (the "Order")

### **Reasons for the decision**

1. Miss Natasha Fewings (the "Applicant") filed an ET1 form with the Employment and Equal Opportunities Service ("Secretary") dated 22 February 2023 claiming that she was unfairly dismissed by Seahaven Crew Services PCC Limited, Cell Tiramisu (the "Respondent"), which is a company registered in Guernsey.
2. In response, the Respondent filed an ET2 form dated 4 August 2023 which argues that the Applicant was dismissed for gross misconduct.
3. The circumstances of the claim are that the Applicant, who gave an address in Somerset, was employed on a three-month contract (governed by Guernsey law) dated 19 August 2021 (the "Contract"), as chief stewardess to work in the Mediterranean on a yacht registered in the Cayman Islands, the Tiramisu. An incident occurred on the yacht in Mallorca on 9 October 2021, the details of which are disputed by the parties, which led to the Respondent dismissing the Applicant summarily. The Applicant has claimed unfair dismissal.
4. The Tribunal notes that the Applicant was advised by the Secretary on 3 March 2023 that her ET1 application was rejected as it was out of time, having been filed more than three months after the date of the date of termination of her employment.
5. The Applicant wrote to the Secretary on 18 March 2023 giving reasons for her delay and asking for her complaint to be "allowed in" under the terms of section 17 (1)(b) of the Law.
6. Before considering this request, as a preliminary matter the Tribunal must consider whether it has jurisdiction to hear this unfair dismissal claim.

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7. The Applicant’s complaint that she was unfairly dismissed is based on section 3 of the Law which states that “In every employment to which this Part of the Law applies [this Part applying to unfair dismissal] every employee shall, subject to the provisions of section 15 (which specifies the qualifying period), have the right not to be unfairly dismissed by his employer”.
8. However, section 4 of the Law provides disappplies section 3 where an employee ordinarily works outside Guernsey.
9. It follows from section 4 of the Law that if the Applicant ordinarily worked outside Guernsey, she does not qualify to make an unfair dismissal claim under the Law.
10. In determining jurisdictional issues, the Tribunal considered the Applicant’s submissions made to the Secretary, including the Contract, which specifies her port of joining the yacht as Naples, Italy.
11. The Tribunal finds no evidence that the Applicant ordinarily worked in Guernsey.
12. Based on the above, the Tribunal determines that it does not have jurisdiction to hear the Applicant’s claim and it is dismissed pursuant to section 1. (1) (a) of the Order. Therefore, there is no need to consider the matter of the “out of time” application.

.....  
Signature of the Chair

19 August 2024  
.....  
Date

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