



EMPLOYMENT TRIBUNALS

Claimant Mr T Hanstock

Respondent: Databowl Limited

HELD AT: Sheffield

ON: 5 February 2019

BEFORE: Employment Judge Little

REPRESENTATION:

Claimant: Miss T Green (claimant's partner)

Respondent: Mrs C Fowler, Solicitor (Howells LLP)

JUDGMENT

1. The complaint of unfair dismissal on ordinary principles only is struck out.
2. Otherwise the claim proceeds and that includes a complaint of unfair dismissal contrary to Employment Rights Act 1996 section 103A.

REASONS

1. The claimant accepts that he did not have two years continuous service with the respondent. In fact he was employed for approximately 18 months.
2. The Employment Rights Act 1996 section 108 provides that the right not to be unfairly dismissed under the provisions of section 94 of the same Act does not apply to the dismissal of an employee unless he has been continuously employed for a period of not less than two years ending with the effective date of termination.

3. In those circumstances inevitably the Tribunal does not have jurisdiction to entertain a complaint under section 94. It can however entertain a complaint under section 103A of the same Act.

Employment Judge Little

Date 14th February 2019

Note - Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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