

EMPLOYMENT TRIBUNALS

Claimant: Mr V Naicker

Respondent: Pilgrims Group Limited

JUDGMENT

The complaint that the Claimant was unfairly dismissed is struck out. The remaining claim for wrongful dismissal will proceed to a hearing on 20 April 2020.

REASONS

1. The claimant complains of unfair dismissal.
2. Section 108 of the Employment Rights Act 1996 requires a claimant to have not less than two years service to make an unfair dismissal complaint.
3. The claimant was employed by the respondent for less than two years.
4. Therefore the claimant is not entitled to bring such a complaint.
5. The claimant has failed to give an acceptable reason, despite being given the opportunity to do so, why the complaint should not be struck out.
6. Accordingly, the complaint of unfair dismissal is struck out. The claimant's other complaint, of wrongful dismissal, is not affected by this judgment. That claim will proceed as a claim for breach of contract in relation to notice pay.

Employment Judge Siddall

Date 19 November 2019.