



EMPLOYMENT TRIBUNALS

Claimant: Mr. G. Oluokun
Respondent: FPC Global Ltd.
Hearing: Public Preliminary Hearing
Heard at: London Central ET (via video/CVP) **On:** 14 June 2024
Before: Employment Judge Tinnion
For Claimant: In person
For Respondent: Mr. C. Bennison, Counsel

JUDGMENT

1. The Claimant having been employed by the Respondent for a period of less than 2 years by the date of his dismissal on 30 January 2023, the following claims against the Respondent are struck out:
 - a. claim of unfair dismissal under ss.94-98 of the Employment Rights Act 1996;
 - b. redundancy payment claim under ss.163-164 of the Employment Rights Act 1996.

REASONS

1. Under s.108(1) of the Employment Rights Act 1996 (**ERA 1996**), an employee's right to bring a claim of unfair dismissal under s.94(1) of ERA 1996 does not apply to the dismissal unless the employee has been continuously employed for a period of not less than 2 years ending with the effective date of termination.
2. Under s.155 of ERA 1996, an employee does not have any right to a statutory redundancy payment unless the employee has been continuously employed for a period of not less than 2 years.
3. The Claimant's employment by the Respondent began on 12 December 2022. The Respondent dismissed the Claimant on 30 January 2023. It is not in dispute that the Claimant presented his ET1 on 28 April 2023 (the date is stamped on the top right corner of the first page of the ET1).

4. Applying the above, it is not in dispute (and if it is in dispute, the Tribunal finds) that the Respondent had not employed the Claimant for a continuous period of at least 2 years on either (a) the date the Respondent dismissed the Claimant on 30 January 2023, or (b) the date the Claimant presented his ET1 on 28 April 2023.
5. Given the requirement of at least 2 years' continuous employment in order to bring the claims referred to in paras. 1-2 above, the Tribunal lacks jurisdiction to consider those claims, and they are struck out under Rule 37(1)(a) (no reasonable prospect of success given lack of jurisdiction).

Employment Judge Tinnion

Date: 24 December 2024

Date sent to parties: 3 January 2025

For the Tribunal Office: