



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms J. Mashangia

**Respondent:** Coalition for Epidemic Preparedness Innovations UK Ltd

**Heard at:** London Central ET                      **On:** 22 November 2024

**Before:** Employment Judge G. King

## Representation

Claimant: In person

Respondent: Ms C. Jennings

# JUDGMENT

1. Pursuant to Rule 37(1), the Employment Judge considers that the Claimant's claim for:
  - a) Unfair Dismissal;has no reasonable prospect of success, and is struck out.
2. The Claimant's application to amend her claim is refused.

# REASONS

1. The Claimant did not have to two years' qualifying service and is therefore unable to bring a claim of unfair dismissal.
2. An employee's statutory rights are set out in the Employment Rights Act 1996. It is section 108 of this legislation that sets out that an employee must have two years qualifying service in order to bring a claim of unfair dismissal. There is nothing in the Claimant's unfair dismissal claim that makes it exceptional, but even if there was, such exceptional circumstances would still not allow her to proceed with her claim. The Claimant did not have the required qualifying period and therefore the Tribunal finds that she would have no realistic prospect of success with a claim of unfair dismissal at a final hearing. The claim of unfair dismissal is therefore struck out.

3. The Claimant was made aware at the previous case management hearing in March that she would need to make an application to amend her claim if she wanted to include a claim of whistleblowing and automatic unfair dismissal. It was also set out in writing in the Case Management Order following that hearing, which was sent to the parties in June.
4. No application was forthcoming until two weeks before this preliminary hearing. The final hearing is already listed for January 2025. Witness statements have been prepared and the Respondent's position to exchange witness statements. Allowing the Claimant's claim at this late stage would jeopardise the hearing date and would mean the Respondent would need to rewrite all its witness statements. The balance of hardship, when comparing the hardship the Respondent will be put to if the amendment is allowed, versus the hardship to the Claimant of not being able to bring this element of her claim, is such that the greater hardship will be on the Respondent. The application was therefore refused.

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Employment Judge G. King

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Date: 22 November 2024

JUDGMENT & REASONS SENT TO THE PARTIES ON

27 November 2024

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FOR THE TRIBUNAL OFFICE