



EMPLOYMENT TRIBUNALS

Claimant: Mrs S L McLaren

Respondent: FearFree

JUDGMENT

The complaint that the claimant was unfairly dismissed is struck out.

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 was invited to provide a reason why the unfair dismissal claim should not be struck out. On 3 December 2024 she wrote and said that the two-year requirement did not apply because the claim involved breaches under the Equality Act 2010. A dismissal being in breach of the Equality Act is not an exception, under s. 108 of the Employment Rights Act 1996, to the two-year service requirement. 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 complaints are not affected by this judgment.
7. This Judgment does not affect the claimant's claim that her dismissal was discriminatory under 39(2) of the Equality Act 2010.

Employment Judge Bax
Date: 5 December 2024

JUDGMENT SENT TO THE PARTIES ON
10 December 2024 By Mr J McCormick

For the Tribunal Office