



EMPLOYMENT TRIBUNALS

Claimant: Ms L Knox

Respondent: Orders of St. John Care Trust (osjct)

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 sent a notice on 30 December 2020 informing her that consideration was being given to strike out the claim on the basis that she did not have two years' service. The claimant provided a response on 13 January 2021 and said that the dismissal was automatically unfair due to ongoing sex and disability discrimination. 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. Complaints of discrimination under the Equality Act 2010 are not included as exceptions to the requirement for two years' service as set out in section 108 (3) of the Employment Rights Act 1996.
6. Accordingly, the complaint of unfair dismissal is struck out. The claimant's other complaints are not affected by this judgment.

Employment Judge Bax
Date: 22 March 2021

Date Judgment & Reasons sent to the parties: 26 March 2021

FOR THE TRIBUNAL OFFICE