



# EMPLOYMENT TRIBUNALS

**Claimants:** (1) Mr G Kosienkowski  
(2) Mrs I Kosienkowska  
(3) Mr S Hill

**Respondent:** Club L London

## JUDGMENT

- (1) The first and second claimant's complaints that the respondent discriminated against them on grounds of race and made unlawful deductions from their wages are dismissed on withdrawal.
- (2) The complaints that all three the claimants were entitled to redundancy payments are struck out.

### REASONS AS TO (2)

1. The claimants complain of the failure to make a redundancy payment and unfair dismissal.
2. Section 108 of the Employment Rights Act 1996 requires a claimant to have not less than two years service to make a complaint of unfair dismissal and for a redundancy payment.
3. The claimants were employed by the respondent for less than two years.
4. Therefore the claimants are not without more entitled to bring such complaints.
5. The claimants have failed to give an acceptable reason, despite being given the opportunity to do so, why the complaints concerning the failure to make a redundancy payment should not be struck out.
6. The claimants have given an acceptable reason why the complaints concerning unfair dismissal should not be struck out, namely they argue they were dismissed for asserting a statutory right.
7. Accordingly, the complaints concerning the failure to make a redundancy payment are struck out. The claimants other complaints are not affected by this judgment.

Signed electronically by me  
**Employment Judge Perry**  
Dated: 3 September 2021

**Case Nos: 1308941/2020  
1308942/2020  
1308943/2020**