



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs J Percival

**Respondent:** St Omer Residential home

## 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 has failed to give an acceptable reason, despite being given the opportunity to do so, why the complaint should not be struck out. Whilst it is acknowledged that her complaint is of racial discrimination, a claim of racial discrimination is not an exception to the need to have 2 year's qualifying service to bring a claim of unfair dismissal. That does not affect the ability of the claimant to claim the losses which flow from race discrimination.
6. Accordingly, the complaint of unfair dismissal is struck out. The claimant's other complaints are not affected by this judgment.

Employment Judge Dawson  
Date: 20<sup>th</sup> October 2022

Judgment sent to the parties: 25 October 2022

FOR THE TRIBUNAL OFFICE