



EMPLOYMENT TRIBUNALS

Claimant: Mrs C McLean

Respondents: Management Solutions LLC (1)
Project Controls Solutions (Global) Ltd (2)

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. The claimant was employed by the respondent for less than two years. Therefore, the claimant is not entitled to bring such a complaint.
3. The claimant says that if a fair process had been followed, she would have accrued two years' service. However, although she has referred to the ACAS Code of Practice on disciplinary and grievance procedures, that Code of Practice is not something that applies as a matter of contract and she has not suggested any other basis on which the respondent was obliged, as a matter of contract, to follow any particular procedure.
4. The claimant's claim continues as a claim in respect of unpaid holiday pay only.

Employment Judge **Anstis**

Date: 10 February 2023

JUDGMENT SENT TO THE PARTIES ON

17/3/2023.

NG - FOR THE TRIBUNAL OFFICE