



# EMPLOYMENT TRIBUNALS

Claimant: Mr Z Ahmad

Respondent: XMA Ltd

## 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. The claimant argues the dismissal was for a discriminatory reason. If so, then it is an act of discrimination and falls for assessment under the **Equality Act 2010**. It does not however mean the dismissal is automatically unfair. The **Employment Rights Act 1996** defines what would amount to an automatically unfair dismissal. A discriminatory dismissal is not one of them.
6. Accordingly, the complaint of unfair dismissal is struck out. The claimant's other complaints are not affected by this judgment.

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Employment Judge Adkinson

Date: 7 July 2023

Order sent to parties on:

For the Tribunal: