



EMPLOYMENT TRIBUNALS

Claimant: Ms C Balan

Respondent: H Charlesworth & Co Ltd

JUDGMENT (PART CLAIM)

The claimant's complaint of ordinary unfair dismissal (under s98 of the Employment Rights Act 1998) is struck out.

REASONS

1. The claimant complains of ordinary unfair dismissal under s98 of the Employment Rights Act 1996. Section 108 of the Employment Rights Act 1996 requires a claimant to have not less than two years service to make an ordinary unfair dismissal complaint.
3. The claimant was employed by the respondent for less than two years. Therefore the claimant is not entitled to bring such a complaint. The claimant's representative stated at the preliminary hearing on 30 January 2024 that she accepted that the claimant did not have two years' service with the respondent.
6. Accordingly, the complaint of unfair dismissal is struck out. The claimant's complaint of pregnancy discrimination (contained in her original ET1 form) is not affected by this judgment.
7. For the avoidance of doubt, the claimant's complaint of automatically unfair dismissal related to pregnancy (set out in her amendment application of 1 September 2023) has not yet been considered by the Tribunal. Please refer to the case management orders dated 30 January 2024.

Employment Judge Deeley

Date: 30 January 2024