



EMPLOYMENT TRIBUNALS

Claimant: Miss M Rapala
Respondent: Sainsbury's Supermarkets Ltd

JUDGMENT

The response is struck out in part, namely **the counter-claim**.

REASONS

1. The respondent relies on the claimant's constructive unfair dismissal claim as providing a gateway for an employer's counterclaim.
2. Constructive unfair dismissal is not a breach of a contract claim. The relevance of a breach of contract in such a claim is that it is the mechanism of dismissal.
3. The claimant has not presented a breach of contract claim, therefore there is no jurisdiction by which the respondent can present a counter-claim.

Employment Judge Shastri-Hurst
Date: 7/5/2024

JUDGMENT SENT TO THE PARTIES ON

13/05/2024

N Gotecha

FOR THE TRIBUNAL OFFICE