



# EMPLOYMENT TRIBUNALS

Claimant: Mr K Chin

Respondent: Smiths Business Information Services 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. Therefore the claimant is not entitled to bring such a complaint.
4. In a letter to the tribunal dated 18 March 2024 the claimant says "*The dismissal is linked to the discrimination which would make it automatically unfair dismissal*". There is no suggestion in that letter that he has two years' service. If the dismissal is an act of discrimination, that would mean that the dismissal is unlawful and an act of discrimination, but in the absence of two years service that still gives no right to bring a claim of unfair dismissal under the Employment Rights Act 1996.
5. 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 Anstis  
Date: 15 May 2024

JUDGMENT SENT TO THE PARTIES ON

2/7/2024

N Gotecha  
FOR THE TRIBUNAL OFFICE