



EMPLOYMENT TRIBUNALS

Claimant Mr Rafieu Alharazim
Respondent Southern Housing
Heard at Ashford (by video) **On 17 June 2025**
Before Employment Judge Fowell
Appearances
Claimant In Person
Respondent Holly Patterson of counsel, instructed by Bevan Brittan LLP

JUDGMENT

The complaint of unfair dismissal (which includes constructive dismissal) is struck out on the basis that the claimant did not have the necessary two years' service, as required by section 108 Employment Rights Act 1996.

REASONS

1. A strike out warning was issued by the Tribunal on 26 July 2024, giving the claimant until 9 August 2024 to provide reasons in writing as to why this complaint should not be struck out.
2. He responded on 29 July 2024, arguing that he had also asserted a statutory right. By section 104 Employment Rights Act 1996 a dismissal for asserting a statutory right is automatically unfair and two years' service is not required.
3. However, he is relying on the fact that in his appeal against dismissal he asserted the right not to be discriminated against. Not only did that appeal come after his dismissal, the right not to be discriminated against is not a relevant statutory right for the purposes of section 104.
4. The relevant rights are listed at section 104(4). They include 'any right conferred by this Act [i.e. the Employment Rights Act 1996] for which the remedy for its infringement is by way of a complaint or reference to an employment tribunal'. They do not include rights under the Equality Act 2010.
5. The claimant's remaining claims will proceed to a hearing on 2 February 2026.

Employment Judge Fowell
Date 17 June 2025

SENT TO THE PARTIES ON
27 June 2025

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