



EMPLOYMENT TRIBUNALS

Claimant: Miss C Georgatos

Respondent: Goody 4 Paws Limited

JUDGMENT having sent to the parties on 27 April 2026 (“**Judgment**”), and full written reasons having been requested in accordance with Rule 60 of the Employment Tribunal Procedure Rules 2024, the following written full reasons are provided:

FULL REASONS

Background

1. The Claimant, via her representative, requested full written reasons for the Judgment dated 20 April 2026, sent to the parties on 27 April 2026. Two judgments were, in fact, issued on that date; one ordering the Respondent to pay the Claimant sums in respect of unauthorised deductions from her wages and in respect of her notice entitlement, and one dismissing the Claimant's unfair dismissal complaint due to her having been employed for less than two years. It is presumed that the request for reasons relates to the latter judgement.

The Judgment

2. The reasons for the Judgment were set out within it. Essentially, they were: that section 108 of the Employment Rights Act 1996 (“**Act**”) requires a Claimant to have not less than two years’ service in order to be able to make an unfair dismissal complaint; that the Claimant was employed by the Respondent for less than two years, and therefore was not entitled to bring such a complaint. The reasons further noted that the Claimant had failed to give an acceptable reason, despite being given the opportunity to do so, why the complaint should not be struck out, and therefore it had been struck out.

Strike-out warning

3. In relation to that failure, the Claimant was issued with a strike-out warning on 27 February 2026, which noted the terms of section 108, that it appeared from her claim that she had been employed for less than two years, she therefore did not appear to be entitled to bring a complaint of unfair dismissal, and therefore that it was proposed that it be struck out. The Claimant was given until 13 March 2026 to give reasons in writing why her complaint of

unfair dismissal should not be struck out.

Response to strike-out warning

4. The Claimant's representative submitted a response to that warning in writing on 11 March 2026. In that, the Claimant's representative outlined the circumstances in which the Claimant had brought her employment with the Respondent to an end, due to what she contended to have been a fundamental breach of the employment relationship, essentially the Respondent's requirement that she move to a self-employed arrangement.
5. In the written response, the Claimant's representative went on to note, "*After leaving the Respondent's employment, Miss Georgatos contacted the training provider and discovered that the programme she had been placed on was not a recognised government-approved apprenticeship scheme*", and, "*It was only after her employment ended that she became aware that the programme did not qualify as a recognised apprenticeship and that she should therefore have been paid the full National Minimum Wage rather than the apprentice rate*".
6. The response went on to note, "*The Claimant further submits that the circumstances surrounding the termination of her employment may relate to the assertion of statutory rights*". That was asserted to have been the right to be paid the national minimum wage, and it was therefore submitted that the matter may fall within the provisions relating to automatically unfair dismissal.

Law

7. Section 108(1) of the Act provides that a complaint of unfair dismissal cannot be brought unless the claimant has been continuously employed for a period of not less than two years, ending with the effective date of termination. Subsection (3) of section 108 however, confirms that subsection (1) does not apply if, *inter alia*, section 104 applies.
8. Section 104 of the Act provides that an employee who is dismissed should be regarded as unfairly dismissed if the reason (or, if more than one, the principal reason) for the dismissal is that the employee alleged that the employer had infringed a right of theirs which is a relevant statutory right.
9. Section 104(4) confirms what are relevant statutory rights and that includes, at sub-paragraph (a), "*any right conferred by this Act for which the remedy for its infringement is by way of a complaint or reference to an employment tribunal*".
10. The Claimant's response to the strike-out warning indicated that she was contending that she asserted a statutory right in relation to the underpayment of national minimum wage. That would, however, be enforced by way of a complaint of unauthorised deductions from wages pursuant to section 23 of the Act, and was therefore a relevant statutory right.

Conclusion

11. In this case, the Claimant's Claim Form gave no indication of any contention that she had asserted a statutory right in relation to her pay. In addition, her response to the strike-out warning states clearly that it was *after* leaving the Respondent's employment that she became aware that she may have been paid less than the national minimum wage. She cannot therefore have asserted, prior to her resignation, that her right not to suffer unauthorised deductions from wages had been infringed, and therefore any such assertion cannot have been the reason for her dismissal.
12. In the circumstances, section 108 of the Act applied, and the Claimant's unfair dismissal complaint fell to be dismissed

Authorised for issue by
Employment Judge S Jenkins
30 June 2026

Sent to the parties on:
10 July 2026

For the Tribunal Office:
Kacey O'Brien

Notes

All judgments (apart from judgments under Rule 51) and any written full reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the Claimants and Respondents.