



EMPLOYMENT TRIBUNALS

Claimant: Mr R Jakubik

Respondent: Aldi Stores Limited

JUDGMENT

The complaint that the claimant was unfairly dismissed is struck out.

REASONS

1. One of the claimant's complaints is of unfair dismissal.
2. Other than in special circumstances, which do not apply in this case, 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. This means he is not entitled to bring an unfair dismissal complaint. That complaint is therefore struck out, on the basis that it has no reasonable prospects of success and it would be contrary to Rule 3 of the ET Procedure Rules 2024 to allow a complaint that was bound to fail to continue.
4. The claimant was warned that the Tribunal was proposing to strike out his complaint of unfair dismissal. He responded to the strike out warning letter suggesting that his unfair dismissal claim should not be struck out because (he alleges) his dismissal was race discrimination.
5. For the claimant's information:
 - a. an unfair dismissal claim and a claim that a dismissal was discriminatory are different types of claim;
 - b. all unfair dismissal claims are made under a law called the Employment Rights Act 1996. It is not possible to make any kind of discrimination claim – including a claim that a dismissal was discriminatory – under that law;
 - c. all discrimination claims – including a claim that a dismissal was discriminatory – are made under a law called the Equality Act 2010. It is not possible to make an unfair dismissal claim under that law.
6. The fact that the claimant's unfair dismissal complaint has been struck out does not affect his discrimination claim. He is still making a claim about discriminatory dismissal – that claim has not been struck out, and it continues.

Approved by
Employment Judge Camp
Date: 20 September 2026