



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs G Dunarintu

**Respondent:** Wolstenholme Machine Knives Limited

**HELD AT:** Sheffield (by telephone)

**ON:** 26 August 2020

**BEFORE:** Employment Judge Little

## REPRESENTATION:

**Claimant:** In person (accompanied by her husband)

**Respondent:** Mr Warren-Jones, Solicitor (EEF Limited)

# JUDGMENT

My Judgment is that the complaint of unfair dismissal is struck out because the Tribunal does not have jurisdiction.

# REASONS

1. The Employment Rights Act 1996 provides that the right not to be unfairly dismissed so as to be enforceable before an Employment Tribunal will only usually apply if the employee has been continuously employed for a period of not less than two years ending with the effective date of termination.
2. There are exceptions where some reasons for dismissal are regarded as automatically unfair and where no qualifying period of employment is required. None of those exceptions apply to the claimant's case.

3. The claimant was employed from 16 April 2019 to 24 March 2020 and so a period of approximately 11 months. It follows that she does not have right not to be unfairly dismissed and the Tribunal has no jurisdiction.
4. This Judgment does not affect the other complaints within the claim form in respect of race discrimination and sex discrimination in respect of the same dismissal.

Employment Judge Little

Date 28<sup>th</sup> August 2020

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