



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr N Parkes

**Respondent:** International Safety Components Limited

## JUDGMENT

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

## REASONS

1. The claimant complains of unfair dismissal (constructive).
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.
4. The claimant was given an opportunity to explain why this complaint should not be struck out. The claimant's reason for not striking out the complaint was that his constructive dismissal was discriminatory. No minimum length of service is required for a discriminatory dismissal. This is a different complaint from that to which section 108 of the Employment Rights Act 1996 applies.
5. The Tribunal cannot consider the claimant's complaint that he was unfairly dismissed due to the claimant not having the requisite qualifying period of employment under section 108 of the Employment Rights Act 1996. Accordingly, the complaint of unfair dismissal is struck out.
6. The claimant's other complaints are not affected by this judgment.

Employment Judge Russell

Date 2 August 2022

JUDGMENT SENT TO THE PARTIES ON  
2 August 2022

FOR THE TRIBUNAL OFFICE Mr N Roche