



EMPLOYMENT TRIBUNALS

Claimant: Mr R Tomlinson

Respondent: A E M Trading Limited t/a Estuary Cars

Heard at: East London Hearing Centre

On: 6 November 2017

Before: Employment Judge Russell

Representation

Claimant: In person

Respondents: Mr J Lenehan (Solicitor)

JUDGMENT

1. The Claimant was not an employee of the Respondent.
2. The Claimant was a worker within the definition of s.230(3) Employment Rights Act 1996.
3. The Respondent failed to pay the Claimant upon termination for 90 hours accrued but untaken holiday, at a rate of £10.00 per hour. The holiday pay claims succeeds in the sum of £900.
4. The claim for breach of contract fails and is dismissed.
5. The claim for failure to provide written particulars of employment fails and is dismissed.
6. The claim for unauthorised deduction from wages fails and is dismissed.
7. The Claimant has paid fees in connection with this claim. Fees of this nature having been declared unlawful, the sum paid is to be refunded to the Claimant. The details of the repayment scheme are a matter for HMCTS.

Employment Judge Russell

6 November 2017