



EMPLOYMENT TRIBUNALS

Claimant: Mr Jose Wayne Gonsalves

Respondent: The Rationalist Association

Heard at: London South (Croydon) **On:** 6,7,8,9,10 & 13 November 2017

Before: Employment Judge John Crosfill
Ms B C Leverton
Mr G Henderson

Representation

Claimant: In person

Respondent: Mr A Johnston of Counsel

JUDGMENT

1. The Claimant was neither an employee nor a worker of the Respondent for the purposes of Section 230 of the Employment Rights Act.
2. In the circumstances the Employment Tribunal has no jurisdiction to entertain the Claimant's claims of:
 - 2.1. Unfair dismissal contrary to Sections 94 and 98 of the Employment Rights Act 1996.
 - 2.2. Automatically unfair dismissal contrary to Sections 94 and 103A of the Employment Rights Act 1996.
 - 2.3. Wrongful dismissal (breach of contract) a claim brought under the Employment Tribunals (Extension of Jurisdiction) Order 1994.
 - 2.4. A failure to provide a written statement of the reasons for his dismissal contrary to section 92 of the Employment Rights Act 1996.
 - 2.5. Detriment contrary to Section 47B and 48 of the Employment Rights Act 1996.
 - 2.6. Unlawful Deduction from wages contrary to Sections 13 and 23 of

the Employment Rights Act 1996.

- 2.7. Any failure to make payment of holiday pay for annual leave accrued but not taken brought under regulation 30 of the Working Time Regulations 1998.
3. Having determined that the Claimant did not work under a contract of employment for the Respondent the Tribunal has no jurisdiction to entertain the Respondent's counterclaim brought under the Employment Tribunals (Extension of Jurisdiction) Order 1994
4. The Respondent's application for costs, made at the conclusion of the hearing, is dismissed.

Employment Judge John Crosfill

Date 14 November 2017

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.