



EMPLOYMENT TRIBUNALS

Claimant: Miss J Davies

Respondent: Daniel Collins and Julian Powell t/a Elbow Lane Dental Care

Heard at: Liverpool

On: 19 November 2018

Before: Employment Judge Franey
(sitting alone)

REPRESENTATION:

Claimant: Mr C Millett, Solicitor

Respondent: Mr J Jenkins, Counsel

JUDGMENT

1. By consent the title of the respondent in these proceedings is amended to Daniel Collins and Julian Powell t/a Elbow Lane Dental Care.
2. The claimant was not working under a contract of employment and therefore her complaints of unfair dismissal and of breach of contract are dismissed.
3. The claimant was a “worker” as defined by section 230(3)(b) Employment Rights Act 1996 and working under a contract personally to do work under section 83(2) Equality Act 2010, and her complaints of a failure to pay holiday pay and of disability discrimination can proceed.
4. The complaint of discrimination arising from disability contrary to section 15 Equality Act 2010 is dismissed upon withdrawal by the claimant.

Employment Judge Franey

21 November 2018

JUDGMENT SENT TO THE PARTIES ON

30 November 2018

FOR THE TRIBUNAL OFFICE

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.

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