



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Nicula

**Respondent:** Hiwatt Electronics Ltd

## RECORD OF A PRELIMINARY HEARING

**Heard at:** Sheffield    **On:** 7 August 2019

**Before:** Employment Judge Rostant

### **Appearances**

For the claimant: In person

For the respondent: Mr J Gilbert, consultant

## JUDGMENT

- (1) I find that the claimant was not employed under a contract of employment.
- (2) I find that the claimant was engaged by the respondent as a worker under the definition contained in S.230(3)(b) Employment Rights Act 1996.
- (3) The claims of unfair dismissal and breach of contract fail and are dismissed.
- (4) The claimant has permission to amend his claim to bring a claim of unauthorised deduction from wages in respect of failure to pay for annual leave.
- (5) The claim of unauthorised deduction from wages already contained in the claim form may proceed.

**Employment Judge Rostant**

**Dated: 8 August 2019**

Sent to the parties on:

9 August 2019

For the Tribunal:

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