



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs J Hayes  
**Respondent:** Railscape Limited  
**Heard at:** East London Hearing Centre (by Cloud Video Platform)  
**On:** Monday 1 February 2021  
**Before:** Employment Judge Moor

## Representation

**Claimant:** In person  
**Respondent:** Mr Rahman, counsel

*This has been a remote hearing which has not been objected to by the parties. The form of remote hearing was V by Cloud Video Platform. A face to face hearing was not held because the relevant matters could be determined in a remote hearing.*

# JUDGMENT

It is the judgment of the Tribunal that all the claims fail and are dismissed:

1. The complaint for unlawful deduction of wages is not well-founded because the Claimant was not an employee or worker of the Respondent within the meaning of the Employment Rights Act 1996.
2. The claim for accrued but untaken holiday pay fails because the Claimant was not a worker of the Respondent within the meaning of the Working Time Regulations 1998.
3. The claim for breach of contract fails because the Claimant was not an employee of the Respondent and it therefore was not outstanding or arising on the termination of a contract of employment.

4. In any event, the Tribunal does not have the power to hear the above complaints and claims because they were not brought in time when it was reasonably practicable to do so.

**Employment Judge Moor**  
**Date: 1 February 2021**