



## EMPLOYMENT TRIBUNALS

**Claimant**  
Mr J Burke

v

**Respondent**  
Taylor Plant Limited

### Judgment

**Heard at:** Southampton

**On:** 1 February 2021

**Before:** Employment Judge Rayner

#### Appearances

**For the Claimant:** Mr J Heard, Counsel

**For the Respondent:** Mr J Boyd, Counsel

1. The hearing was conducted by the parties attending by video conference (CVP). It was held in public with the Judge sitting in open court in accordance with the Employment Tribunal Rules. It was conducted in that manner because a face to face hearing was not desirable in light of the restrictions imposed by the Health Protection (Coronavirus, Restrictions) (England) (Amendment) (No. 4) Regulations 2020 and the Health Protection (Coronavirus, Restrictions) (All Tiers) (England) Regulations 2020, as amended.
2. The claimant is a worker within the meaning of Section 230(3) b ERA 1996 and his claim for holiday pay will now be listed for hearing.
3. The claimant was not an employee within the meaning of section 230 (1) 1996 and his claim for unfair dismissal is therefore dismissed.

**Employment Judge Rayner**

Date: **1 February 2021**

Amended judgment sent to the parties: 25 March 2021

FOR THE TRIBUNAL OFFICE

#### Notes

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.

Note: online publication of judgments and reasons

The ET is required to maintain a register of all judgments and written reasons. The register must be accessible to the public. It has recently been moved online. All judgments and reasons since February 2017 are now available at: <https://www.gov.uk/employment-tribunal-decisions>.

The ET has no power to refuse to place a judgment or reasons on the online register, or to remove a judgment or reasons from the register once they have been placed there. If you consider that these documents should be anonymised in any way prior to publication, you will need to apply to the ET for an order to that effect under Rule 50 of the ET's Rules of Procedure. Such an application would need to be copied to all other parties for comment and it would be carefully scrutinised by a judge (where appropriate, with panel members) before deciding whether (and to what extent) anonymity should be granted to a party or a witness