



EMPLOYMENT TRIBUNALS

Claimant: Ms A Stasikyniene
Respondents: (1) East London Beauty Academy Ltd.
(2) Mrs C Gardier

Heard at: East London Hearing Centre
On: 5 July 2022
Before: Employment Judge B Elgot
Members: Mrs B Saund
Ms V Nikolaidou

Representation

Claimant: Did not attend and was not represented
Respondents: Mrs Cynthia Gardier

The Tribunal gave judgment as follows:-

JUDGMENT

1. The complaint of unfair dismissal against the First Respondent does not succeed and is DISMISSED. The Claimant does not have the necessary two year period of qualifying employment as required by section 108 Employment Rights Act 1996 and she has not shown that any of the exceptions in section 108(3)-(5) apply. Accordingly the Tribunal has no jurisdiction to hear her claim.
2. The claims of race discrimination and disability discrimination against the two Respondents do not succeed and are DISMISSED. The Claimant who is of Lithuanian nationality and origin and who is a disabled person by reason of her cancer diagnosis has failed to discharge the burden of proof set out in section 136 Equality Act 2010 requiring her to show primary facts from which the tribunal could conclude that the Respondents or either of them have contravened the Act and discriminated against the Claimant because of her race and/or disability.

3. The claim for damages in the amount of £2240 for breach of contract in relation to the First Respondent's alleged failure to properly pay the Claimant for laser equipment used for beauty treatments is not a matter which falls within the jurisdiction of the Employment Tribunal and the claim therefore FAILS. The Employment Tribunal's Extension of Jurisdiction Order 1994 relating to contract claims only applies to matters which are 'arising or outstanding on the termination of the employee's employment'. We are satisfied that any contract between the parties was a discrete commercial arrangement conducted through separate joint business venture and is not a dispute connected with the Claimant's employment which is arising or outstanding upon the termination of that employment.
4. We find that the Claimant was an employee of the First Respondent and accordingly she is entitled to be paid one week's notice pay in the sum of £ 246.75 which is calculated net.
5. The claim for accrued and unpaid holiday pay against the First Respondent SUCCEEDS. The Claimant is entitled to be paid £1423.80.
6. The total amount payable by the First Respondent to the Claimant within 28 days is **£1670.55**
7. The Claimant has already succeeded in obtaining a judgment against the First Respondent dated 11 January 2021 for the payment of her unpaid wages in the sum of £1260.

Employment Judge B Elgot
Dated: 6 July 2022