



EMPLOYMENT TRIBUNALS

Claimant Ms Emma Holmes

Respondent: Healthcare Headhunters Limited trading as Lastminute Care & Nursing

Heard at: Liverpool Employment Tribunal by CVP **Over 4 days on: 15-17 June, 26 August and 12 October 2022**

Before: Employment Judge Cookson
Mr B Rowen
Mr R Cunningham

REPRESENTATION:

Claimant: In person

Respondents: Mr M Sutton (senior litigation consultant)

JUDGMENT

It is the unanimous decision of the Tribunal that:

1. The claimant was a worker for the purposes of the Employment Rights Act 1996 but not an employee. Accordingly, the tribunal had no jurisdiction to her claims under s 44 and s103A and those claims are dismissed.
2. The claimant was subjected to a detriment by the respondent on the ground that she made a qualifying protected disclosure contrary to S47B of the Employment Rights Act when on 22 January 2021 the claimant had her shift terminated and was asked to leave the premises immediately and was not allocated any further shifts. The claimant's other claims of unlawful detriment under s47B are not upheld and are dismissed.

Employment Judge Cookson
Date: 12 October 2022

SENT TO THE PARTIES ON
17 October 2022

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.

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