



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case No: 4102133/2022

Held in Dundee on 17 and 18 October 2022

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**Employment Judge L Murphy
Tribunal Member M McAllister
Tribunal Member J McCullagh**

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Ms A Vial

**Claimant
Represented by:
Ms S Ossei**

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Mr S Alsafar

**Respondent
Represented by:
Mr Hoyle,
Consultant**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

30 1. The claimant was employed at all material times by the respondent.

REASONS

Introduction

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1. This hearing took place in the Dundee Employment Tribunal on 17 October 2022. A final hearing on the merits had been scheduled for 17 and 18 October 2022. The respondent instructed his representative on Thursday 13 October 2022. Mr Hoyle intimated during the preliminary discussion that the respondent maintains he was not the employer of the claimant but that she was instead employed by a limited company, of which he is a director, called Mazaj Dundee Ltd.

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2. The Tribunal converted the first day of the hearing to a public preliminary hearing to determine the correct identity of the claimant's employer. There were no objections from the parties to this approach. The claimant agreed to proceed in this manner following an adjournment to enable her to consider whether she felt prepared to do so and to obtain advice.
3. An interpreter, Mr Al-Amezy, attended by video link to assist the respondent whose native tongue is Arabic. The respondent has some English but required translation services from time to time.
4. The claimant gave evidence on her own behalf and led evidence from her former colleague, Amanda Heath. The respondent gave evidence on his own behalf. Evidence was taken orally from the witnesses. A joint set of productions was lodged running to 90 pages, which the respondent added a number of bank statements.
5. Oral reasons were given at the hearing. Written reasons for the determination of the claimant's employer were requested at the hearing by Mr Hoyle and will be issued to the parties in due course.

Employment Judge: L Murphy

Date of judgment: 19th October 2022

Date sent to parties: 20th October 2022