EMPLOYMENT TRIBUNALS

Appellant: Nexus Workforce Limited

Respondent: The Commissioners for HM Revenue and Customs

Heard at: Liverpool Employment Tribunal (remotely)   **On:** 31 October, 1 and 2 November 2022

Before: Employment Judge Dunlop (sitting alone)

Representation

Appellant: Mr D Tatton-Brown K.C.
Respondent: Mr S Lewis (of Counsel)

PRELIMINARY HEARING JUDGMENT

1. The change in supply of labour to Sports Direct's Shirebrook site from Blue Arrow Ltd to Qualitycourse Ltd t/a Transline on or around 27 May 2014 was a relevant transfer within Regulation 3 Transfer of Undertakings (Protection of Employment) Regulations 2006. The organised grouping of workers which was the subject of this transfer included the 'flexible' employees supplied to Sports Direct to undertake warehouse operations roles, in addition to the smaller group of 'permanent' staff undertaking supervisory/client management roles.

2. The change in supply of labour to Sports Direct's Shirebrook site from Qualitycourse Ltd t/a Transline to the Appellant on or around 18 May 2017 was a relevant transfer within Regulation 3 Transfer of Undertakings (Protection of Employment) Regulations 2006. The organised grouping of workers which was the subject of this transfer included the 'flexible' employees supplied to Sports Direct to undertake warehouse operations roles, in addition to the smaller group of 'permanent' staff undertaking supervisory/client management roles.

3. The appeal will therefore proceed to a final hearing.

Employment Judge Dunlop
Date: 4 November 2022

SENT TO THE PARTIES ON
4 November 2022

FOR EMPLOYMENT TRIBUNALS

Note
Reasons for the judgment having been given orally at the hearing, written reasons were requested by the respondent and will be promulgated in due course.

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