



EMPLOYMENT TRIBUNALS

Claimant: Mr R F Khan

Respondent: Efficient Home Energy Limited

Heard at: London South (Croydon) via CVP **On:** 26/1/2023

Before: Employment Judge Wright

Representation:

Claimant: In person

Respondent: Mr B Jeddi - director

JUDGMENT

The claimant's claim is struck out. The Tribunal does not have jurisdiction to hear the claim.

REASONS

1. The claimant presented a claim of dismissal; detriment as a result of making a protected disclosures; and unauthorised deductions from wages on 17/4/2023. He gave his dates of 'employment' as from 10/11/2022 to 21/2/2023. He engaged in Acas early conciliation between 3/2/2023 and 17/3/2023 and presented his claim on 17/4/2023.
2. A preliminary hearing took place on 24/11/2023. The claimant did not attend and his explanation was that he was suffering from a chest infection. He was directed to provide medical evidence by the 15/12/2023; he did not do so.
3. The claims are dependent upon the claimant either being a worker of the respondent or an employee.

4. Mr Jeddi set out that the claimant had signed a contract of employment dated 10/11/2022. A couple of days after that, the claimant asked to work on a self-employed basis for tax reasons and Mr Jeddi agreed. The claimant set up his own limited company - RK Multi Trades Ltd (company number 14466814); it was incorporated on the 7/11/2022, the claimant is the sole director and the person with significant control. The claimant wanted to retain his own gas registration and not transfer to the respondent or the respondent's insurance.
5. There was an incident at a property for which the claimant was responsible; although he says the reason was that he was not properly trained. The respondent disputes that, however, the end result was that compensation was paid. The claimant agree to contribute and to reimburse the respondent with a regular sum being deducted from his invoices. This was the basis of his unauthorised deduction from wages claim.
6. Towards the end of the claimant's engagement, there was an issue over the use of one of the respondent's vehicles. Despite this, Mr Jeddi and the claimant were amicable and conciliatory towards each other. Mr Jeddi explained that it was impossible to find gas engineers at a reasonable cost and it was in the respondent's interest to engage the claimant for as long as it could. The parties were encouraged to speak to each other and to see if they could resolve their differences.
7. The claimant said that he did have a chat with Mr Jeddi about being paid via PAYE or through a limited company. He decided to go for the latter as it was more beneficial for expenses.
8. The claimant therefore expressed a clear preference to operate through his own limited company and he was a self-employed contractor.
9. The claimant does not have the status of a worker or an employee and as such, the Tribunal does not have jurisdiction to hear his claim. The claim is struck out in its entirety.

Employment Judge V Wright
Date: 26 January 2024

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