



# EMPLOYMENT TRIBUNALS

**Claimant:** Soek Yee Ashley Wong

**Respondent:** Grant Thornton Agile Talent Solutions Limited

**Heard at:** London Central (By Video)      **On:** 18 April 2024

**Before:** Employment Judge Bradford

**Representation**

**Claimant:** In Person

**Respondent:** Mrs K Skeaping, Solicitor

## JUDGMENT

1. The Claimant was not an employee of the Respondent, but engaged as a worker within the meaning of section 230(3) Employment Rights Act 1996.
2. The Claimant's claim for pay in lieu of notice is dismissed as the Tribunal does not have jurisdiction to hear it.

## REASONS

1. By Claim Form presented on 12 January 2024, the Claimant made claims against the Respondent for:
  - Unpaid salary for the period 11-22 December 2023;
  - Accrued but untaken annual leave;
  - Pay in lieu of notice;
  - Pension contributions.
2. At the outset of the hearing the Claimant informed the Tribunal that three of these matters had been sorted out, and the only outstanding claim was for pay in lieu of notice.

3. The Claimant was engaged by the Respondent under an 'Assignment Only Worker Agreement'. That set out, among other things that if the Respondent wished to offer her an assignment, it would contact her to discuss the assignment, and that the Claimant was under no obligation to accept any work offered by the Respondent.
4. The parties were in agreement, after the Judge outlined the law distinguishing an 'employee' from a 'worker', that there was no mutuality of obligation in the terms under which the Claimant worked, namely, there was no duty on the Respondent to offer work, and no duty on the Claimant to undertake work offered. In light of this, the Claimant conceded that she was a worker and not an employee.
5. In accordance with section 3 Employment Tribunals Act 1996, together with the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 SI 1994/1623, the Tribunal only has jurisdiction to hear contractual claims brought by employees.
6. As the Tribunal does not have jurisdiction to hear breach of contract claims brought by workers, and the only way a claim for pay in lieu of notice can be brought is as a claim in breach of contract, the Tribunal was unable to hear the Claimant's claim.

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Employment Judge Bradford

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Date 18 April 2024

JUDGMENT & REASONS SENT TO THE PARTIES ON

7 May 2024

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FOR THE TRIBUNAL OFFICE