



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr W Yates  
**Respondent:** STAM Construction Ltd  
**Heard at:** Liverpool (CVP)  
**On:** 24 May 2024  
**Before:** Employment Judge Horne

## Representatives

For the claimant: in person  
For the respondent: Mr S Lewis, counsel

## JUDGMENT AT A PRELIMINARY HEARING

1. The claimant was not an employee under a contract of employment within the meaning of the Employment Tribunals (Extension of Jurisdiction) Order 1994.
2. His claim for damages for breach of contract (notice pay) is therefore dismissed.
3. The claimant was a worker within the meaning of section 230(3) of the Employment Rights Act 1996 and regulation 2 of the Working Time Regulations 1998.
4. The tribunal will therefore consider the claimant's complaint of failure to compensate him for untaken annual leave on termination of employment.

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Employment Judge Horne

28 May 2024

SENT TO THE PARTIES ON  
10 June 2024

FOR THE TRIBUNAL OFFICE

**Notes**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless 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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**Recording and Transcription**

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