



Case Number: 2216649/2023

EMPLOYMENT TRIBUNALS

BETWEEN

Claimant: Miss Carla Dublin and

Respondent: (1) Greenacre Recruitment Limited
(2) Miss Sharron Rooney
(3) London Borough of Ealing

SITTING AT: London Central

ON: 15 and 16 August 2024

BEFORE: Employment Judge G Smart
At a public Preliminary Hearing

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

On hearing for the Claimant in person, Miss Andersson (litigation consultant) for Respondent 1 and Mr. Gray-Jones Counsel for the Respondents 2 and 3:

1. The Claimant was not an employee of any of the Respondents at common law or under s83 Equality Act 2010. She was employed by her umbrella company Paystream My Max.
2. Consequently, the claim for notice pay is struck out under rule 37 (1) (a) as having no reasonable prospects of success.
3. The Claimant did not commence ACAS conciliation as required to before presenting her ET1 claim form to the Tribunal naming Respondent 2 as a Respondent.
4. Consequently, the Tribunal has no jurisdiction to hear any claims against Respondent 2 and all claims against Respondent 2 are struck out under Rule 37 (1) (a) because they have no reasonable prospect of success.
5. Respondent 1 is a Employment Services Provider within the meaning of section 56 Equality Act 2010. Claims as pleaded against Respondent 1 therefore proceed under section 55 only, as the cause of action.

The reasons for this decision were given orally at a hearing. Written reasons will not be provided unless they have been requested in writing by any of the parties within 14 days of the date this judgment was sent to the parties. Public access to employment tribunal decisions: Note that both judgments and reasons for the judgments are published in full online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the parties. **Recording and Transcription:** Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here: <https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>

6. Respondent 3 admits the Claimant was a Contract Worker in accordance with section 41 Equality Act 2010 and that it was the Claimant's Principal.
7. Respondent 2 was an agent acting on behalf of and with authority from Respondent 3 when:
 - a. communicating with Respondent 1 and/or other recruitment agencies and/or contract workers and/or umbrella companies about:
 - i. any performance, grievance or conduct/misconduct issues involving any contract workers assigned to Respondent 3 including the Claimant;
 - ii. communicating or facilitating the acceptance of a contract worker on any assignments/engagements to do work for Respondent 3;
 - iii. communicating or facilitating the termination of any assignment/engagement of any contract workers assigned to Respondent 3 including the Claimant; and/or
 - iv. when making any arrangements about the assignments/engagements and/or about any work of any contract workers assigned to Respondent 3 including the Claimant.
8. Consequently, Respondent 3 was also the Principal under section 109 (2) when considering anything done by Respondent 2 when she was acting as agent for Respondent 3.

EMPLOYMENT JUDGE SMART
18 August 2024

Judgment sent to the parties on

21 August 2024

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For the Tribunal Office

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