



# EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case Number: 8001250/2025

Hearing held by video in Glasgow on 16 July 2025

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Employment Judge M Whitcombe

Mr W Zima

Claimant  
In person

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Dionard Guest House Limited

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Respondent  
Represented by:  
Mr Ewan Stafford  
(Solicitor)

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## JUDGMENT

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(1) The “*res judicata*” doctrine (in the wider sense applicable in Scotland, as explained in ***British Airways plc v Boyce*** [2001] IRLR 157 (CSIH)) applies to the whole of the claim. Substantially the same complaints have already been decided and dismissed by EJ Hosie in claim number 801727/2024. In so far as any additional complaints are now brought they could and should have been brought as part of that previous claim.

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(2) The claim is therefore struck out in its entirety under rule 38(1)(a) of the Employment Tribunal Procedure Rules 2024 on the basis that it has no reasonable prospect of success and also under rule 38(1)(b) of those Rules on the basis that it is not reasonable to bring the claim in those circumstances.

(3) Additionally, the fundamental issues of employee or worker status are “*res judicata*” between the parties given EJ Hosie’s judgment in claim number 801727/2024. Therefore, the complaints have no reasonable prospect of success and are unreasonably brought for that more specific reason too.

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(4) Additionally, the complaints were all brought outside the applicable statutory time limits, and are alternatively dismissed on the basis that the Tribunal has no jurisdiction to hear them.

10 (5) The threshold for making an award of expenses in the respondent’s favour is crossed because the claimant has brought this claim unreasonably for the purposes of rule 74(2)(a) of the Employment Tribunal Procedure Rules 2024 and it had no reasonable prospect of success for the purposes of rule 74(2)(b) of those Rules.

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(6) Having heard evidence on affirmation regarding the claimant’s financial means and other personal circumstances, and having applied the overriding objective in rule 3 of the Employment Tribunal Procedure Rules 2024, I exercise my discretion not to make an award of expenses.

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(7) Oral reasons were given in the presence of the parties or their representatives. There was no request for written reasons.

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**Employment Judge: M Whitcombe**

**Date of Judgment: 16 July 2025**

**Date Sent to Parties: 21 July 2025**