EMPLOYMENT TRIBUNALS

Claimant: Andrea Bradley

Respondent: Whiskey & Wealth Club Limited

Heard at: London South **On:** 7 July 2026

Before: Employment Judge Tueje

REPRESENTATION:

Claimant: In person
Respondent: Mr Green (Legal Officer)

JUDGMENT having been sent to the parties on 14th July 2026 and written reasons having been requested in accordance with Rule 60(4) of the Employment Tribunals Rules of Procedure 2024, the following reasons are provided:

REASONS

Introduction

1. By a Notice of Hearing dated 27 April 2026, this matter was listed for a public Preliminary Hearing to determine whether the Employment Tribunal has territorial jurisdiction to determine the claimant's claims.

2. At the outset of the hearing I clarified what documents the parties intended to rely on. Mr Green confirmed that the respondent relied only on the submissions regarding jurisdiction set out in its response to the claim.

3. The claimant had e-mailed some documents to the Tribunal on 3rd July 2026 that she intended to rely on, comprising:

   3.1 The respondent's offer of employment to the claimant;
   3.2 Her contract of employment (showing her address as an address in Dublin); and

3.3 A current account bank statement with her address shown as an address in Northern Ireland.

4. The claimant provided evidence during the hearing, and adduced additional documentary evidence, consisting principally of flight records. The respondent did not adduce any witness evidence. I heard oral submissions from both parties.

5. The respondent contends that the claimant lived and worked in the Republic of Ireland and that the employment relationship lacked the connection with England and Wales required by the case law authorities. The respondent submits that the claims fall outside the territorial scope of the Employment Rights Act 1996 and should therefore be struck out.

6. The claimant disputes that contention. She submits that she resides in Northern Ireland, and that the employment relationship was sufficiently connected with Great Britain for the Tribunal to have jurisdiction. In support of that submission, she relies upon the fact that the respondent is an English company, that her contract was governed by English law, that she was paid through a UK payroll, that she paid UK tax and National Insurance contributions, that she reported to UK-based managers and that she attended the respondent's Richmond office on a number of occasions during her employment.

Findings of fact

7. The respondent is an English company with its registered office in Richmond, Surrey. That fact is not disputed.

8. The claimant commenced employment with the respondent in April 2024 as Director of Procurement. Her employment ended in November 2025.

9. It is common ground that the claimant's contract of employment was governed by the law of England and Wales. It provides her address as an address in Dublin.

10. The claimant's evidence, which I accept, was that she formed part of the respondent's UK leadership team, reported to UK-based managers and received instructions from individuals based in the UK. She further stated that decisions relating to her suspension, pay, access to systems and dismissal were taken within the respondent's UK management structure.

11. I accept that this evidence demonstrates a connection between the claimant's employment and the respondent's UK business.

12. However, the question is not whether such a connection existed. The issue is whether the overall connection with Great Britain was sufficiently strong to bring the employment relationship within the territorial reach of the Employment Rights Act 1996.

13. The claimant accepted that she worked remotely for at least part of the time. She also accepted that her role involved work across a number of group companies, including companies based in Ireland.

14. The claimant's evidence was that she spent the first nine weeks of her employment attending the Richmond office and thereafter attended for a further period equivalent to approximately seven weeks for meetings, events and training. She stated that she would fly to the mainland at the start of the week and leave at the weekend to return home to Northern Ireland. In broad terms, she estimated that she spent approximately sixteen weeks physically working from Richmond during the course of her employment.

15. In his submissions Mr Green disputed that account, although, as stated, no factual evidence was adduced on behalf of the respondent. Its case is that the claimant principally worked from Ireland and did not work from Richmond to the extent alleged.

16. As the extent of the claimant's attendance in Richmond formed an important part of her jurisdictional case, I afforded her as much time as it was proportionate to allow during the hearing to produce documentary evidence in support of that assertion, which in the end amounted to around XXX minutes. Following which, she produced some flight records showing travel to the UK.

17. I have considered the flight records the claimant provided. However, the records produced were limited in number; the flight records provided were as follows:

    17.1 Friday 3rd May 2024 flight from Heathrow to Dublin and Wednesday 8th May 2024 from Dublin to Heathrow;

    17.2 Friday 17th May 2024 flight from Heathrow to Dublin one-way;

    17.3 Thursday 8th August 2024 flight from Dublin to Heathrow and Saturday 10th August 2024 from Heathrow to Dublin;

    17.4 Wednesday 6th November 2024 flight from Dublin to Heathrow and Saturday 9th November 2024 flight from Heathrow to Dublin;

    17.5 Saturday 21st December 2024 flight from Heathrow to Dublin;

    17.6 Tuesday 21st January 2025 flight from Dublin to Heathrow and Thursday 23rd January 2025 flight from Heathrow to Dublin;

    17.7 Tuesday 4th February 2025 from Dublin to Heathrow and Thursday 6th February 2025 from Heathrow to Dublin;

    17.8 Thursday 6th March 2025 flight from Dublin to Heathrow and Saturday 8th March 2025 from Heathrow to Dublin;

17.9 Friday 26th April 2025 flight from Heathrow to Dublin and Tuesday 30th April 2025 from Dublin to Heathrow;

17.10 Thursday 8th May 2025 from Dublin to Heathrow and Saturday 10th May 2025 from Heathrow to Dublin; and

17.11 Sunday 11th May 2025 Dublin to Heathrow one-way

18. In those circumstances, I find the flight records provide limited support that the claimant worked in the UK on anything other than an occasional basis. The records produced do not clearly demonstrate the level or frequency of attendance in Richmond described by the claimant in her oral evidence. A number of the records showed travel over the weekends or a few days either side of the weekend; none of them supported the working pattern that she described of flying in on Monday mornings and returning home on Friday evenings. Additionally, the flights were from Dublin and not from Northern Ireland.

19. Taking the evidence as a whole, I am not satisfied that the documentary material demonstrates attendance at Richmond to the extent contended for by the claimant.

20. Even taking the claimant's evidence at its highest, the period said to have been spent working from Richmond represented a minority of the overall duration of the employment. She stated she spent around 16 weeks working at Richmond, which is less than four months out of employment that lasted 19 months.

21. Turning to the issue of residence, the claimant accepted that she had family ties to Dublin: her mother lives there and she provides some care to her mother. She maintained, however, that her principal residence was in Northern Ireland, where she lived with her fiancé. The respondent contends that she resided in Dublin and relies, among other matters, upon the address provided to the respondent and the fact that she elected to be paid in euros. The latter point is disputed, so I will proceed on the basis that the claimant was paid in sterling.

22. I am not satisfied that the evidence establishes that Northern Ireland was the centre of the claimant's personal and working life during the relevant period. The evidence demonstrates substantial connections with Dublin, including the address provided to the respondent and the pattern of travel disclosed by the flight records. The banking material relied upon by the claimant provides some support for her position as her bank is in Northern Ireland. However, with the prevalence of online banking, that by itself is not determinative of the issue.

The parties' submissions

23. The respondent submits that the claimant has not established a sufficiently strong connection with Great Britain to bring the employment relationship within the territorial reach of the 1996 Act. In support of that submission, it relies upon the claimant's living arrangements, her remote working arrangements, the work

performed for Irish entities and its contention that the evidence does not demonstrate a substantial physical presence at the Richmond office.

24. The claimant disputes that submission. She contends that the employment relationship was sufficiently connected with Great Britain. In support of that contention, she relies upon the fact that she was managed from Great Britain, paid through a British payroll, subject to UK taxation arrangements, employed under a contract governed by the law of England and Wales, and attended the respondent's Richmond office during the course of her employment. As to working for other entities, she states that these were all part of the same group of companies as the respondent company.

The legal framework

25. The issue of territorial jurisdiction which arises in this case was considered by the Supreme Court in *Lawson v Serco [2006] I.C.R. 250*, where at paragraph 1 the issue was framed as follows:

My Lords, the question common to these three appeals is the territorial scope of section 94(1) of the Employment Rights Act 1996, which gives employees the right not to be unfairly dismissed. Section 230(1) defines an "employee" as an individual "who has entered into or works under (or, where the employment has ceased, worked under) a contract of employment". But the Act contains no geographic limitation. Read literally, it applies to any individual who works under a contract of employment anywhere in the world. It is true that section 244(1) says that the Act "extends" to England and Wales and Scotland ("Great Britain"). But that means only that it forms part of the law of Great Britain and does not form part of the law of any other territory (like Northern Ireland or the Channel Islands) for which Parliament could have legislated. It tells us nothing about the connection, if any, which an employee or his employment must have with Great Britain. Nevertheless, all parties to these appeals are agreed that some territorial limitations must be implied. It is inconceivable that Parliament was intending to confer rights upon employees working in foreign countries and having no connection with Great Britain. The argument has been over what those limitations should be. Putting the question in the traditional terms of the conflict of laws, what connection between Great Britain and the employment relationship is required to make section 94(1) the appropriate choice of law in deciding whether and in what circumstances an employee can complain that his dismissal was unfair? The answer to this question will also determine the question of jurisdiction, since the employment tribunal will have jurisdiction to decide upon the unfairness of the dismissal if (but only if) section 94(1) is the appropriate choice of law.

26. The decision in Lawson was applied in Ravat v Halliburton Manufacturing & Services Ltd [2012] I.C.R. 389, where the Supreme Court stated:

26. As I have already indicated (see para 14, above), it is possible on a careful reading of Lord Hoffmann's speech in Lawson to find what he saw as the guiding principles. The question in each case is whether section 94(1) applies to the particular case, notwithstanding its foreign elements. Parliament cannot *be taken to have intended to confer rights on employees having no connection with Great Britain at all. The paradigm case for the application of the subsection is, of course, the employee who was working in Great Britain. But there is some scope for a wider interpretation, as the language of section 94(1) does not confine its application to employment in Great Britain. … It is not for the courts to lay down a series of fixed rules where Parliament has decided, when consolidating with amendments the previous legislation, not to do so. They have a different task. It is to give effect to what Parliament may reasonably be taken to have intended by identifying, and applying, the relevant principles.*

27. … Lord Hoffmann's comment in Lawson , para 37, that the fact that the relationship was "rooted and forged" in Great Britain because the respondent happened to be British and he was recruited in Great Britain by a British company ought not to be sufficient in itself to take the case out of the general rule. Those factors will never be unimportant, but I agree that the starting point needs to be more precisely identified. It is that the employment relationship must have a stronger connection with Great Britain than with the foreign country where the employee works. The general rule is that the place of employment is decisive. But it is not an absolute rule. The open-ended language of section 94(1) leaves room for some exceptions where the connection with Great Britain is sufficiently strong to show that this can be justified. The case of the peripatetic employee who was based in Great Britain is one example. The expatriate employee, all of whose services were performed abroad but who had nevertheless very close connections with Great Britain because of the nature and circumstances of employment, is another.

28. The reason why an exception can be made in those cases is that the connection between Great Britain and the employment relationship is sufficiently strong to enable it to be presumed that, although they were working abroad, Parliament must have intended that section 94(1) should apply to them. The expatriate cases that Lord Hoffmann identified as falling within its scope were referred to by him as exceptional cases: para 36. This was because, as he said in para 36, the circumstances would have to be unusual for an employee who works and is based abroad to come within the scope of British labour legislation. It will always be a question of fact and degree as to whether the connection is sufficiently strong to overcome the general rule that the place of employment is decisive. The case of those who are truly expatriate because they not only work but also live outside Great Britain requires an especially strong connection with Great Britain and British employment law before an exception can be made for them.

Discussion and conclusion

27. I approach the matter by applying the principles identified in Lawson v Serco Ltd and Ravat v Halliburton Manufacturing Services Ltd. I remind myself that the categories identified in Lawson are not exhaustive and that the Tribunal must undertake an evaluative assessment of all the relevant circumstances in order to determine whether the employment relationship had a sufficiently strong connection with Great Britain and British employment law. The question is one of fact and degree.

28. There are some factors in this case which point towards Great Britain.

29. The respondent is an English company based in Richmond, Surrey. The claimant was engaged under a contract governed by the law of England and Wales. Her salary was paid by the respondent. The claimant states that she paid UK tax and National Insurance contributions. She also states that she reported to managers based in the Great Britain and that significant employment decisions were taken within the respondent's British management structure. I accept that these are factors connecting the employment relationship with Great Britain and I have taken them into account.

30. However, neither Lawson nor Ravat treats any individual factor as determinative. It is necessary to consider the employment relationship as a whole and to assess the strength of the competing connections.

31. In particular, I accept that the claimant occupied a senior role within the respondent organisation and that her reporting lines and managerial oversight were located within Great Britain. I also accept that decisions concerning matters such as suspension, system access, remuneration and dismissal were taken by individuals based within the respondent's UK management structure. Those are significant connecting factors and demonstrate that relevant aspects of the employment relationship were administered from Great Britain. However, the authorities make clear that managerial control from Great Britain, without more, is not ordinarily sufficient to displace the significance of where the employee actually lives and performs her work. The focus remains on the employment relationship viewed as a whole and on whether, notwithstanding foreign elements, the connection with Great Britain is sufficiently stronger than any competing connection elsewhere.

32. A significant issue in this case is the extent to which the claimant worked from Great Britain during the course of her employment.

33. The claimant's evidence was that she spent the first nine weeks of her employment, including during training and induction, working from the Richmond office and thereafter spent approximately a further seven weeks attending that office. Her evidence was therefore that she spent approximately sixteen weeks physically working from Richmond during the course of the employment.

34. The respondent disputes that account and maintains that the claimant principally worked from Ireland.

35. I have considered the documentary material produced by the claimant in support of her account, including the flight records produced during the hearing.

36. Those records provide some evidence of travel to Great Britain. However, they do not demonstrate the pattern or extent of attendance described by the claimant in her oral evidence.

37. Taking the evidence as a whole, I am not satisfied that the documentary material establishes attendance at Richmond to the extent contended for by the claimant.

38. This does not mean that the claimant did not attend the Richmond office. Rather, I am unable on the evidence before me to make findings that attendance occurred to the extent asserted, or to such an extent as to establish a sufficiently strong connection to bring this claim within territorial reach.

39. I have also considered the evidence regarding the claimant's residence and personal connections.

40. The claimant's position is that her principal residence was in Northern Ireland. The respondent's position is that she resided in Dublin and relies upon, amongst other matters, the address provided to the respondent and the travel records.

41. For present purposes, I am not satisfied that the evidence establishes Northern Ireland as the centre of the claimant's working life during the relevant period such that she can be said to have carried out her work in United Kingdom, except to a limited extent. The evidence demonstrates substantial connections with Dublin, including the address provided to the respondent and the travel records she produced.

42. In those circumstances, residence does not emerge as a particularly strong factor connecting the employment relationship with Great Britain, nor is there any strong evidence that she carried out the work in the Great Britain, or even in the United Kingdom.

43. Nor do I consider that this case falls within the category of the exceptional expatriate employee discussed in Lawson and Ravat. While the claimant was employed by a British company and worked within its management structure, the evidence does not demonstrate the type of unusually close connection with Great Britain that would justify treating British employment legislation as applying notwithstanding the fact that the claimant principally lived and worked outside Great Britain. The authorities emphasise that where an employee both lives and works abroad, an especially strong connection with Great Britain is required. On my findings, that threshold is not met in the present case.

44. I have also considered carefully the claimant's reliance upon UK payroll arrangements, UK tax arrangements and the governing law of the contract.

45. Those matters are relevant factors connecting the employment relationship with Great Britain. However, they must be considered alongside the other circumstances of the case, including the claimant's remote working arrangements, the work performed across Irish entities and the limited evidence regarding regular physical attendance at Richmond.

46. Standing back and considering the evidence as a whole, I am satisfied that the employment relationship had some connections with Great Britain.

47. However, I am not satisfied that those connections were sufficiently strong, when viewed in the context of the employment relationship as a whole, to establish that the claim falls within the territorial scope of the relevant legislation.

48. Standing back and considering all of the evidence in the round, I am satisfied that the employment relationship shows some connections with Great Britain. These include the identity of the respondent as an English company, the governing law of the contract, the claimant's reporting lines into a UK management structure, the location of key employment decisions and the payroll and taxation arrangements relied upon by the claimant.

49. Nevertheless, those factors must be weighed against the evidence concerning where the claimant was based and where she ordinarily carried out her work. I have not been satisfied on the evidence before me that the claimant worked from the Richmond office to the extent asserted, nor that Northern Ireland was established as the centre of her working life during the relevant period. The evidence instead demonstrates a greater connection with Dublin and provides only limited support for the proposition that the claimant's employment was performed principally in Great Britain.

50. The question is not whether there were connections with Great Britain, because plainly there were. The question is whether those connections were sufficiently strong to overcome the ordinary territorial limitation identified in Lawson and Ravat and justify the application of British employment legislation. Having considered all the circumstances, I conclude that they were not.

51. Accordingly, I find that the claimant has not established that her employment fell within the territorial reach of the Employment Rights Act 1996. The Tribunal therefore lacks jurisdiction to determine the claims. The respondent's application succeeds and the claim is struck out.

Approved by:

Employment Judge Tueje

4 August 2026

<u>Notes</u>

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