



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Miss C Linton

Respondent
AND Mr R Chopra t/a Bilston Radio Cars

JUDGMENT MADE AT A HEARING

HELD AT Birmingham

ON 3 & 18 February 2020

EMPLOYMENT JUDGE Hughes

MEMBERS Mr C Greatorex
Dr N Bristow

Representation

For the Claimant: In attendance

For the Respondent: Mr M Davis, Employment Consultant

JUDGMENT

- 1 The respondent's correct title is as set out herein.
- 2 The respondent's application to take part in the proceedings is granted.
- 3 The respondent's application to strike out the claim for non-compliance with case management orders is dismissed.
- 4 The claimant was not self-employed. The claimant was a worker.
- 5 The Employment Tribunal has no jurisdiction to hear the claims of unfair dismissal and breach of contract (notice pay) because the claimant was not an employee. Those claims are dismissed.
- 6 The claim for unauthorised deductions from wages is dismissed.
- 7 The claimant's claim for harassment related to race succeeds for the period 17 April 2017 to 24 November 2018. This was a continuing course of conduct and is in time.

8 The claimant's claim for holiday pay under the Working Time Regulations succeeds. She is entitled to 5.6 weeks per year for the holiday years 2017 and 2018 at 16 hours per week at the applicable rate of the National Minimum Wage.

9 This Employment Tribunal will reconvene to determine remedy on 13 May 2020. A directions order has been issued separately in respect of that hearing.

Signed by Employment Judge Hughes on 19 February 2020

Judgment sent to Parties on
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Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.