



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mr D Day

AND

Respondent
Afro-Caribbean Millennium Centre
a company limited by guarantee

JUDGMENT MADE AT A PRELIMINARY HEARING

HELD AT Birmingham

ON 28 July 2021

EMPLOYMENT JUDGE Hughes

Representation

For the Claimant: Not in attendance

For the Respondent: Mr I Sylvester, Committee Member

JUDGMENT

The claimant's claim is hereby dismissed because there is no jurisdiction to hear it because he was a volunteer.

REASONS

- 1 The claimant presented a claim on 14 June 2020 alleging disability discrimination. He had complied with the Early Conciliation requirements but he did not provide very much information about the details or dates of the allegations.
- 2 The respondent (which is correctly titled as herein) defended the claim and argued that further particulars were required and that the claim was out of time.
- 3 At a case management hearing before Employment Judge Dean, the claimant was ordered to provide specific information about his claim.
- 4 The claimant did so, but without reference to dates.

- 5 Employment Judge Broughton made an unless order that the claimant explain why there was jurisdiction to hear the claim, it being settled by the UKSC that there is no jurisdiction to hear claims by volunteers.
- 6 The claimant complied by email dated 11 January 2021 stating that he was a worker because he had been paid for work in 2017. This resulted in an Open Preliminary Hearing before me today.
- 7 The respondent replied on 15 January 2021 saying that the claimant had been paid for a couple of sessions of work on a particular assignment in 2017, but was in all other respects a volunteer. This was confirmed by oral evidence from Mr P Murphy and Mr I Sylvester today.
- 8 In the circumstances, it is very clear that the claimant was a volunteer and there is no jurisdiction to hear this claim.

Employment Judge Hughes
28 July 2021