



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Miss A Smith

v

Van Arthur Flower Group Limited

Heard at: Watford Employment Tribunal

On: 9 October 2024

Before: Employment Judge French

Appearances

For the Claimant: In person

For the Respondent: Mr S Aathavan, Director

JUDGMENT

1. The complaint of unfair dismissal is struck out. The claimant was not an employee of the respondent for the purposes of section 230(1) Employment Rights Act 1996 (ERA). Further the claimant does not have two years qualifying service and was not asserting any statutory right within s104(4) ERA such to make the dismissal automatically unfair under s108 ERA.
2. The claimant was in employment within the meaning of the Equality Act 2010 because pursuant to s83(2)(a) she was in employment under a contract personally to do work. The complaints of race discrimination therefore proceed.

Employment Judge French

Date: 10 October 2024

Sent to the parties on: 4/12/2024

N Gotecha

For the Tribunal Office

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.

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/>