



EMPLOYMENT TRIBUNALS

Claimant: Mr Z Nasr
Respondent: Strong Recruitment Group
Heard on: 16th September 2022
Before: Employment Judge Pritchard

Representation

Claimant: In person
Respondent: Ms R Patel, company representative
Interpreter (Arabic): Ms F Gurton

JUDGMENT

The Claimant's claim for unpaid wages is dismissed.

REASONS

1. The Claimant claims unpaid wages as deductions from wages, alternatively as a breach of contract.
2. The Claimant's work as a driver was assigned to him by the respondent, an agency. However, it was We Contract Limited, an umbrella company, with whom the claimant contracted and who was responsible for the payment of his wages. This is evidenced by a contract of employment between the claimant and We Contract Limited signed by the claimant on 28 April 2021.
3. On 15 December 2021, the claimant commenced early conciliation through ACAS naming the Strong Recruitment Group as the potential respondent. ACAS subsequently issued a certificate in respect of Strong Recruitment Group on 13 January 2022.
4. The claimant presented his claim to the tribunal on 3 February 2022. In his claim form, the claimant named two respondents: Strong Recruitment Group and We Contract Limited. However, he simply entered the same early conciliation certificate number in respect of Strong Recruitment Group.
5. Upon vetting, the claimant's claim was referred to an Employment Judge who determined that the claim against We Contract Limited must be rejected under

rule 10(1)(c). On 30 March 2022 the Tribunal informed the claimant that his claim against We Contract Limited was rejected.

6. Section 18A(8) of the Employment Tribunals Act 1996 provides that a person who is subject to the requirement to enter into ACAS early conciliation may not present an application to institute relevant proceedings without a certificate issued by ACAS under subsection (4). Claims for deductions from wages and breach of contract are relevant proceedings.
7. Paragraph 4 of the Schedule to the Employment Tribunals (Early Conciliation: Exemptions and Rules of Procedure) Regulations 2014 makes it clear that if there is more than one prospective respondent, the prospective claimant must enter into a separate early conciliation in respect of each prospective respondent.
8. Rule 10(1)(c)(i) provides that the Tribunal must reject the claim if the claim form does not contain an early conciliation number.
9. The Claimant's claim did not contain an early conciliation number in respect of We Contract Limited. That is why the claim was rejected by the Employment Judge.
10. Thus, there is no subsisting claim before the tribunal against the Claimant's former employer, We Contract Limited, which was the entity responsible for payment of the Claimant's wages and which would be responsible for any failure to pay wages.
11. The Respondent in this case, Strong Recruitment Group, was not the Claimant's employer and was not responsible for payment of his wages and is not responsible for any underpayment of wages.
12. The Claimant's claim must accordingly be dismissed.

Notes

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Employment Judge Pritchard
Date: 16th September 2022