



EMPLOYMENT TRIBUNALS

Claimant: Mrs H Hughes

Respondents: 1. Vedamain Ltd
2. Clakim Ltd (formerly known as Cabbey Private Hire Ltd)
3. Janbar Mg Ltd (formerly known as Chester Private Hire Ltd)
4. Kajoliea Ltd (formerly known as Refer Ltd)

Heard at: Liverpool **On:** 19, 20 and 21 December 2022

Before: Employment Judge Horne

Representatives

For the claimant: in person

For Vedamain Ltd: Mr M Ramsbottom, consultant

For the other respondents: Mr M Williams, director

JUDGMENT AT A PRELIMINARY HEARING

1. The claimant was a worker for Vedamain Ltd within the meaning of section 230(3) of the Employment Rights Act 1996 and regulation 2(1) of the Working Time Regulations 1998.
2. The claimant was an employee of Vedamain Ltd within the meaning of section 83 of the Equality Act 2010.
3. The complaints against Vedamain Ltd of sex discrimination, unauthorised deductions from wages and failure to pay holiday pay will therefore be determined at a final hearing.
4. The claimant was not an employee of Vedamain Ltd under a contract of employment within the meaning of section 230(1) of the Employment Rights Act 1996.
5. The complaint of unfair dismissal is therefore dismissed.
(To avoid doubt, the tribunal has dismissed the claimant's complaint that her dismissal was unfair under section 103A of the Employment Rights Act 1996 as well as her complaint that her dismissal was unfair under section 98 of that Act.)
6. The tribunal does not have jurisdiction to consider the claimant's complaint under regulation 15 of the Transfer of Undertakings (Protection of Employment)

Regulations 2006, whether against Vedamain or against the other respondents.
This is because:

- 6.1. The claim was presented after the expiry of the statutory time limit;
 - 6.2. It was reasonably practicable for the claim to be presented before the time limit expired; and
 - 6.3. In any event the claim was not presented within such further period as the tribunal considered reasonable.
7. The regulation 15 complaint is therefore dismissed.
 8. The tribunal does not have jurisdiction to consider the claim against Clakim Ltd, Janbar Mg Ltd and Refer Ltd (“the old Abbey companies”). This is because:
 - 8.1. The claim was presented after the expiry of the statutory time limit;
 - 8.2. It was reasonably practicable for the claim to be presented before the time limit expired; and
 - 8.3. In any event the claim was not presented within such further period as the tribunal considered reasonable.
 9. The claim against the old Abbey companies is therefore dismissed.
 10. The tribunal did not determine whether or not the claimant was a worker for the old Abbey companies. In particular, the tribunal did not determine whether or not the claimant was a worker at times when she had indicated her availability to work on the Abbey App, or at any other time when she was not driving on a school journey.

Employment Judge Horne
22 December 2022

ORDER SENT TO THE PARTIES ON
10 January 2023

FOR THE TRIBUNAL OFFICE

Note: Reasons for the judgment were given orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date when this order is sent to the parties. If written reasons are provided, they will be published on the tribunal’s online register, which is visible to internet searches.