



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Miss S Gooding

-v-

**Recruitment Centric Limited
(formerly known as Xyrius
Resourcing Limited)**

FINAL MERITS HEARING

Heard at: **Centre City Tower, Birmingham**

On: **13 March 2019**

Before: **Employment Judge Perry**

Members: **Ms R Forrest
Mr J Kelly**

Appearances

For the Claimant:

In person

For the Respondent:

No appearance

JUDGMENT

In our unanimous judgment

1. The respondent having failed to respond to the strike out warning of 5 March 2019 the response is struck out.
2. The claimant was subjected to indirect discrimination (as defined in s.19 Equality Act 2010) in contravention of part 5 of that Act.
3. The claimant was not subjected to direct discrimination (as defined in s.13 Equality Act 2010) and there was no contravention of part 5 of that Act. That complaint is dismissed.
4. The respondent failed to comply with the ACAS Code of Practice in relation to the claimant's grievance of 19 January 2018 concerning the acts of discrimination. The award is uplifted by 20% where stated.
5. Compensation is assessed at **£12,000.00** (inclusive of uplift) and interest at **£1,130.00**.
6. The respondent made an unlawful deduction from the claimant's wages pursuant to Part II of the Employment Rights Act 1996. The respondent is ordered to pay £1,645.07 (gross) to the claimant in respect of the unlawful deduction.
7. The respondent shall pay to the claimant the sum of £30.00 being such amount as we consider appropriate in all the circumstances to compensate the claimant for the financial loss sustained which we consider to be attributable to the unlawful deduction(s) from the claimant's wages.
8. It is declared that the respondent has failed to compensate the claimant in relation to the claimant's entitlement to holiday leave that had accrued as at the termination of the claimant's employment pursuant to the Working Time



Regulations 1998 (SI 1998/1833). The respondent is ordered to pay £2,916.20 (gross) to the claimant in respect of the accrued leave entitlement.

9. The Employment Protection (Recoupment of Jobseekers Allowance & Income Support) Regulations 1996 do not apply.

Employment Judge Perry

22 March 2019

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.