



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss Holly Taylor

**Respondent:** The Sheffield Bath Company Ltd T/A 1877 Spa

**HELD AT:** Sheffield

**ON:** 8, 9 and 10 April 2019

**BEFORE:** Employment Judge Little  
Mrs K Grace  
Mrs P Pepper

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Mr S D Wilkinson (managing director)

# JUDGMENT

The unanimous Judgment of the Tribunal is that:-

1. The Tribunal has jurisdiction to consider the harassment related to disability complaint because it is just and equitable to extend time.
2. The complaint of harassment related to disability succeeds.
3. The complaint of direct disability discrimination fails.
4. The claimant was constructively dismissed and that dismissal was unfair.
5. The complaint in respect of unauthorised deduction from wages succeeds. The amount so deducted and which is now payable by the respondent to the claimant forthwith is £347.35.
6. The claimant is awarded compensation for injury to feelings in the amount of £3,500 together with interest thereon of £258.72.
7. In respect of constructive unfair dismissal the claimant is awarded a basic award of £846 and a compensatory award of £7092.85 which is calculated as per the schedule below.
8. These sums are now to be paid by the respondent to the claimant forthwith.

## SCHEDULE

### Unfair Dismissal Compensation

#### Basic Award

2 year's employment  
 Claimant aged 25 at EDT  
 Gross weekly pay £423

2 x 423 846.00

#### Compensatory Award

##### Immediate Loss

15.8.18 (EDT) to 10.4.19

34 weeks  
 Net weekly pay £338.76

34 x 338.76 = 11,517.84

Loss of earning from  
 self-employment and employment 6,473.61

5044.23

#### Pension Loss

34 weeks at average of £4.12 pw employer's  
 contribution

39 x 4.12 140.08

#### Future Loss

##### Ongoing Net Loss

- Difference between old  
 pay (338.76 pw) and new  
 pay (274.97) is £63.79 pw

26 weeks at 63.79 1658.54

Loss of Statutory Rights 250.00

#### Compensation for Harassment related to disability

Injury to feelings 3500.00

Interest thereon for the period from  
 9.5.18 to 10.4.19

- 336 days

Interest rate 8%

Daily rate 0.77p	336 x 0.77	<u>255.72</u>
		11,697.57
Plus award for unauthorised deduction		<u>347.45</u>
Grand Total		<u>12,045.02</u>

Employment Judge Little  
Date 16<sup>th</sup> April 2019

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