



EMPLOYMENT TRIBUNALS

Claimant
Miss Campbell

v

Respondent
Free Test Company UK Ltd

Judgment

Heard at: Southampton Employment Tribunal

On: 2,3,4 and 5, December 2019

Before: Employment Judge Rayner sitting with Mr DP Jenkins and Mr R Spry-Shute

Appearances

For the Claimant: Mr Drake, Claimants step father

For the Respondent: Mr Hipwell Larkin, Owner and managing Director

The Unanimous Judgment of the Tribunal is as follows:

Direct Discrimination Contrary to section 13 and/ or section 18 Equality Act 2010

1. The Respondent **unlawfully discriminated** against the Claimant on grounds of pregnancy in contravention of section 18 Equality Act 2010 by
 - i. Suspending the Claimant and sending her home from work on December 12 2018;
 - ii. Subjecting the Claimant to a disciplinary investigation in respect of allegations about mobile phone use, internet misuse and invigilation in December 2018;
 - iii. Subjecting her to disciplinary sanctions in respect of her use of the internet in December 2018.
2. The Claimant **was not** unlawfully discriminated against contrary to section 18 Equality Act 2010 in respect of disciplinary sanctions imposed on her for mobile phone use at work or in respect of registration for invigilation. Her claims in this respect are not well founded and are dismissed.
3. The Respondent **did not** contravene section 18 or section 13 Equality Act 2010 in the way that it dealt with the Claimants grievances in July 2019, or by dismissing the claimants grievances. The Claimants claim

that she was discriminated against on grounds of sex or pregnancy and/or maternity is not well founded and is dismissed

4. The Respondent **did not** contravene section 18 or section 13 Equality Act 2010 in failing to allow the Claimant an appeal hearing and refusing an appeal hearing in August 2019 against Disciplinary sanction. The Claimants claim that she was discriminated against on grounds of sex or pregnancy and/or maternity is not well founded and is dismissed

Harassment on grounds of sex contrary to section 26 Equality Act 2010

5. The Claimants claim that she was harassed on grounds of sex succeeds as follows:

The Respondent **was in contravention of section 26 Equality Act 2010**, in that Mr Hipwell Larkin harassed the Claimant on grounds of sex, in respect of the allegations of

- i. Comments made to the Claimant by Mr Hipwell Larkin in a meeting on 26 November 2018;
 - ii. Comments and actions of Mr Hipwell Larkin in Sainsburys car park on 22 November 2018;
 - iii. Comments of Mr Hipwell Larkin to the Claimant on 11 December 2019
6. The Respondent **did not** contravene section 26 of the Equality Act 2010 by the comments made to the Claimant by Mr Hipwell Larkin on 15 October 2018 and her claim that she was harassed on grounds of sex in this respect only is therefore dismissed.

Remedy

Declaration

7. The Claimant was discriminated against on grounds of pregnancy contrary to section 18 Equality Act 2010 and was harassed on grounds of sex by Mr Hipwell Larkin contrary to section 26 Equality Act 2010.

Award for Injury to feeling

8. **The Respondent will pay to the Claimant the sum of £9000.00** for Injury to feeling in respect of the acts of discrimination and harassment found proved against the Respondent.

Employment Judge Rayner

Dated: 9 December 2019

Sent to the parties on: 16 December 2019

FOR THE TRIBUNAL OFFICE

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.

Note: online publication of judgments and reasons

The ET is required to maintain a register of all judgments and written reasons. The register must be accessible to the public. It has recently been moved online. All judgments and reasons since February 2017 are now available at:
<https://www.gov.uk/employment-tribunal-decisions>.

The ET has no power to refuse to place a judgment or reasons on the online register, or to remove a judgment or reasons from the register once they have been placed there. If you consider that these documents should be anonymised in any way prior to publication, you will need to apply to the ET for an order to that effect under Rule 50 of the ET's Rules of Procedure. Such an application would need to be copied to all other parties for comment and it would be carefully scrutinised by a judge (where appropriate, with panel members) before deciding whether (and to what extent) anonymity should be granted to a party or a witness