



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Miss L Dunhill

v

Cloud Offsite Construction Ltd (in administration)

PRELIMINARY HEARING

Heard: BT Meet Me

On: 15 May 2020

Before:

Employment Judge JM Wade

Representation:

Claimant:

Ms Hill (solicitor)

Respondent:

No attendance

Introduction

This has been a remote hearing to which the parties did not voice any objections. The form of remote hearing was recorded Audio (BT Meet Me). A face to face hearing was not held because of the present Covid 19 circumstances. The administrator's consent to the claim progressing was before me. The claimant's prior application that the response be struck out for a failure to comply with orders and unreasonable conduct in not pursuing a defence can now be determined. That application having succeeded, there is sufficient information on the file and with the assistance of Miss Hill today to give a Rule 21 judgment, which is in the interests of justice in all the circumstances of this case. Miss Hill conveyed her thanks on behalf of the claimant that these proceedings could be brought to an end by this remote means.

JUDGMENT

1. The response is struck out, there having been a failure to comply with previous case management orders and no intention to pursue a defence.
2. The Employment Rights Act complaint of unfair dismissal (having made a protected disclosure) succeeds.
3. The Equality Act complaints of disability related harassment, failure to make reasonable adjustments and a Section 15 discriminatory dismissal also succeed.
4. The claimant does not pursue remedies arising from her unfair dismissal other than a compensatory award of £350 for loss of her statutory rights, which I award.
5. The Tribunal makes the following awards in connection with contraventions of the Equality Act:

5.1. £ 27, 329. 20

lost net weekly pay and pension;

5.2. £ £1093.17

mid point interest @ 8% on financial losses;

- 5.3. £ 15,000 injury to feelings award;
 - 5.4. £ 1200 interest on injury to feelings award;
 - 5.5. £ 2000 four weeks' gross weekly pay, failure to provide written terms
6. The respondent shall therefore pay to the claimant a total of £ 46, 972.37, as set out above arising from her successful complaints.
7. The recoupment regulations do not apply to the awards above.

Employment Judge JM Wade

15 May 2020