



# EMPLOYMENT TRIBUNALS

**BETWEEN**

**Claimant**  
Ms R Taylor

**AND**

**Respondent**  
Jaguar Land Rover Ltd

## **JUDGMENT MADE AT A HEARING**

**HELD AT** Birmingham

**ON** 20,21,24 to 28 August & 1,2  
and 14 September 2020 (reasons)  
Listed for remedy 2 October 2020.

**EMPLOYMENT JUDGE** Hughes

**MEMBERS** Mr TC Liburd  
Mrs RJ Pelter

### **Representation**

**For the Claimant:** Ms R White, Counsel

**For the Respondent:** Ms J Ferrario, Counsel (at the hearing until 2 September  
and by CVP on 14 September 2020)

## **JUDGMENT**

**The unanimous decision of the Employment Tribunal is that:**

- 1 The claimant has the protected characteristic of gender reassignment.
- 2 The claimant's allegations of harassment because of gender reassignment in respect of allegations 2, 4 to 11, and 13 to 24 of the harassment schedule are well-founded. These allegations form part of a continuing course of harassment and it is just and equitable for them to be deemed in time.
- 3 The claimant's claim for harassment related to sexual orientation (allegation 1 of the direct discrimination schedule, but more properly categorised as harassment as per allegation 3 of the harassment schedule) is well-founded, however, it is out of time and there is no jurisdiction to hear it.
- 4 The claimant's allegations of direct discrimination because of gender reassignment (paragraphs 1(a) and (c) of the direct discrimination because of

gender reassignment schedule) are well-founded and it is just and equitable to extend time and deem them to be presented in time.

5 The claimant's allegation of victimisation in respect of the respondent's failure to permit her to retract her resignation is well-founded.

6 The respondent's statutory defence to the above allegations fails, and it totally without merit.

7 The claimant was constructively unfairly dismissed.

8 The remaining allegations are dismissed.

9 Having heard submissions on this point, this Employment Tribunal considers it appropriate to award aggravated damages in this case because of the egregious way the claimant was treated and because of the insensitive stance taken by the respondent in defending these proceedings. We are also minded to consider making recommendations in order to alleviate the claimant's injury to feelings by ensuring the respondent takes positive steps to avoid this situation arising again.

10 The claimant's compensation shall be uplifted by 20% because of respondent's complete failure to comply with the ACAS Code of Practice in relation to the claimant's grievance about short term measures to assist her transitioning.

11 **I hereby record** that the claimant has undertaken to send to the Employment Tribunal and the respondent proposed recommendations and details of any application made by **22 September 2020**.

12 The Employment Tribunal will reconvene on 2 October 2020 to deal with remedy.

**Signed by Employment Judge Hughes on 14 September 2020**