



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs J Whitham  
**Respondent:** Safety-Kleen U.K. Limited

**Heard at:** Leeds (by CVP)  
**Before:** Employment Judge Deeley  
**On:** 24 September 2020

**Representation**

**Claimant:** In person  
**Respondents:** Did not attend

## JUDGMENT

1. The claimant's claims for unfair dismissal under Part X of the Employment Rights Act 1996 succeeds.
2. The claimant's claims for harassment related to age, direct age discrimination and direct sex discrimination under sections 13 and 26 of the Equality Act 2010 succeed.
3. The claimant's claim for sexual harassment under s26 of the Equality Act 2010 fails and is dismissed.
4. The claimant is awarded:
  - 4.1. £39,595.44 in relation to her financial losses arising from her dismissal;
  - 4.2. £10,000 as an award for injury to feelings; and
  - 4.3. £246.15 interest relating to her injury to feelings award (based on a calculation date of 22 May 2020).

# NOTES

5. The correct name of the respondent is Safety-Kleen U.K. Limited and the name of the respondent is amended accordingly.
6. The claimant submitted a claim on 3 July 2020 against the respondent and against Mr Ian Rogers. The claim against Mr Rogers was rejected by the Tribunal because he was not named on the claimant's ACAS early claim conciliation certificate. The respondent did not respond to the claimant's claim and did not attend the hearing today.
7. The claimant attended the hearing today. She did not object to holding this hearing as a remote hearing. The form of remote hearing was "A: audio - fully (all remote)".

*Employment Judge Deeley*  
28 September 2020