

Case Numbers: (1) 3314735/2019 (V)  
(2) 3314736/2019  
(2) 3315937/2019



# EMPLOYMENT TRIBUNALS

## Claimant

(1) Mrs V Brett  
(2) Mr K Brett

v

## Respondent

Khi-Ro Limited

**Heard at:** Huntingdon (by CVP)

**On:** 29 January 2021 (Reading Day – no parties present)  
01, 02, 03, 04 and 10 February 2021  
05, 08 and 09 February 2021 (Discussion Days – no parties present)

**Before:** Employment Judge Ord

**Members:** Ms E Deem and Mr SJ Holford

## Appearances

**For the Claimant:** Mr J Jotangia, Counsel.

**For the Respondent:** Mr J Bromige, Counsel.

## COVID-19 Statement on behalf of Sir Keith Lindblom, Senior President of Tribunals.

This has been a remote hearing on the papers which has not been objected to by the parties. The form of remote hearing was by Cloud Video Platform (V). A face to face hearing was not held because it was not practicable during the current pandemic and all issues could be determined in a remote hearing on the papers.

# JUDGMENT

It is the unanimous decision of the employment tribunal that:

1. The first claimant was unfairly dismissed; the first claimant was automatically unfairly dismissed the principal reason for her dismissal being that she had made protected disclosures; the first claimant was dismissed in breach of contract, the first claimant suffered unlawful deductions from her wages which should have been paid in full to 22 January 2019 and the first claimant has not been paid for outstanding holiday pay.

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2. The second claimant was unfairly dismissed and was dismissed in breach of contract. He suffered unlawful deductions from his wages up to 4 March 2019 and has not been paid for outstanding holiday pay to that date.
3. Both claimants were the victims of direct discrimination on the protected characteristic of gender reassignment when they were told by Kate Foreman in October 2018 that their transgender son was evil and going to hell that they were going to hell for supporting him. At the same time, they were harassed by Mr Foreman through his conduct when he was silent and did not seek to intervene when Mrs Foreman (an employee of the respondent) was abusing the first and second claimants in that way. The respondent has not pursued the question of whether or not these claims were brought in time and the list of issues does not refer to this jurisdictional point. On the face of them they may be out of time. Insofar as it is necessary for us to do so we extend time for the presentation of these claims as it is just and equitable to do so. The matters have been fully rehearsed in the evidence before us and there has been no suggestion that the respondent is prejudiced by allowing them to proceed.
4. The remainder of the claimant's complaints are not made out and are dismissed.
5. The remedy to which each claimant is entitled will be determined at a Remedy Hearing to be held on 26 and 27 April 2021 which will, unless the parties are advised to the contrary, be conducted by use of the Cloud Video Platform (CVP).

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Employment Judge Ord

Date: 11 February 2021

Sent to the parties on: .....

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For the Tribunal Office

Note

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.