

**BETWEEN:**

**Ms R Kaur**

**CLAIMANT**

**-and-**

**Sun Mark Limited & Others**

**RESPONDENT(S)**

---

**SCOTT SCHEDULE**

---

**KEY to Defendants:**

- R1 Sun Mark Ltd – SM
- R2 Raminder Singh Ranger – Rami
- R3 Kapil Sharma – Kapil
- R4 Ravinder Singh Gidar – Ravinder
- R5 SARR Management - SARR
- R6 Sea Air and Land Forwarding Ltd – SAALF
- R7 Harmeet Singh Ahuja – Sunny
- R8 Nayaz Qazi – Nayaz
- R9 Renu Ranger – Renu

**The Claimant waived her right to anonymity in this matter on 10 March 2021 in proceedings before the Employment Appeal Tribunal**

PAGE NUMBER BELOW REFER TO PAGE NUMBERS IN BUNDLE FOR FINAL HEARING

THIS DOCUMENT IS TO BE READ IN THE LIGHT OF THE AGREED LIST OF ISSUES DATED 25 JULY 2019 [p.66]

No.	Date	Para no.	Respondent facing allegation	Alleged Perpetrator	Summary of Allegation	Cause of action	Respondents' Response
<b>Det1</b>	Early July 2018	26-29	R6, R1, R3, R2.	Kapil	Kapil saying 'I love you' (meaning that he wanted to have sex with her); when she ignored him, he took hold of her hand tightly and said, why don't you listen to me, look at me, I love you"; Kapil stating that he could sack any employee and asked the Claimant whether she valued her job and visa; Kapil acting in an intimidating manner regarding the call to the police. The incident occurred in the SM/SAALF/SARR office on the first floor. No one else was present.	S26 (2) and (3)	Denied <i>[Para 34 of KS Witness Statement]</i>

<b>Det2</b>	July 2018	30-31	R6, R1, R3, R2.	Kapil	Every day Kapil said to the Claimant, 'Raman, have you decided?' (whether or not to have sex with him) and threatening her by reading out an imaginary list and say "Remember what I told you. You will lose your job, your visa, your income and your parents, if you don't go with me to the hotel (to have sex with him) you will be (out of work and) on the road begging for money. The incidents occurred in the SM/SAALF/SARR office on the first floor. No one else was present.	S26 (2) and (3)	Denied <i>[Para 35 of KS Witness Statement]</i>
-------------	--------------	-------	--------------------	-------	--	-----------------------	--

<b>Det3</b>	Late July 2018 and to date of ET1	32-33, 56-57, 73, 77-84, 100-102	R6, R1, R3, R2.	Sunny	Sunny, at all relevant times, failing to take the Claimant's complaints of harassment seriously, and failing to investigate the actions of Kapil or take any, or any appropriate action against him, which meant that the harassment did not end. The incidents occurred in Sunny's office in the SM/SAALF/SARR office building on the first floor. No one else was present.	S13 S27 S26 (1)	<p>Denied  <i>[Para 25-30 of HA Witness Statement]</i>  10 September 2018</p> <p><i>[Para 33-42 of HA Witness Statement]</i>  30 September 2018 – 1 October 2018</p> <p>Before the 10 Sept the Claimant made no complaint to HA, therefore there was no failure to investigate. Matters were first raised by the Claimant to HA on 10 Sept, to which he responded appropriately (see paras 27-30 of his witness statement)</p> <p>The next time HA received a complaint from the Claimant was on 30 September, to which HA responded in an appropriate way, see paras 33- 42 of his witness statement.</p>
<b>Det4</b>	August 2018	34	R6, R1, R3, R2.	Kapil	Kapil approached the Claimant and said that he loved her voice, her laugh and could not concentrate on his work because of her presence until he could feel her. Until he could feel her, he could not be satisfied. The incident occurred in the SM/SAALF/SARR office on the first floor. No one else was present.	S26 (2)	<p>Denied  <i>[Para 36 of KS Witness Statement]</i></p>

<b>Det5</b>	7th  August 2018	35	R6, R1, R3, R2.	Kapil	Kapil asking the Claimant to go to a hotel room with him and saying ‘you are not a virgin. Stop this drama. It will not make a difference to you. If you are that worried, I will not put it inside’. The incident occurred in the SM/SAALF/SARR office on the first floor. No one else was present.	S26 (2) and s26(3)	Denied  <i>[Para 37 of KS Witness Statement]</i>
<b>Det6</b>	7th  August 2018	37 – 41	R6, R1, R3, R2.	Kapil	Kapil seeking to manipulate the Claimant by saying , “If you will not listen to me, I will die” and after that he telephoned me and repeated the same and said that he would smoke, which made his asthma worse. Kapil then asking a colleague, Rahul Makawana to tell the Claimant that he was weeping and unwell so that he would travel alone in a car with her. The incidents occurred in the SM/SAALF/SARR office on the first-floor office. No one else was present, unless otherwise stated.	S26 (2) and (3)	Denied  This has been referred to as the hospital visit incident or the alleged incident of 7 August in the Respondent’s witness statements. <i>[Para 48-58 of KS Witness Statement]</i> <i>[Para 12-13 of RM Witness Statement]</i> <i>[Para 8 of RK Witness Statement]</i> <i>[Para 23.2-24 of NQ Witness Statement]</i>  The Claimant was not pressurised by management/staff to take KS to hospital and KS did not order the Claimant to take him to the hospital as alleged or at all. KS and his colleagues had all agreed, following a call to the 111 helpline, that they would monitor how he was feeling and that he did not need to go to the hospital, however, the Claimant was insistent on taking him to hospital as she said

						<p>she also had a hospital appointment. When the Claimant and KS were on the way to the hospital the Claimant told him that she did not actually have a hospital appointment but that she wanted to take him to the hospital. KS Respondent questioned why she had done this, and the Claimant informed him that she had lied about her hospital appointment because she wanted to take him to the hospital and he had been refusing. KS insisted they returned to the office and the Claimant turned the car around and headed back towards the office. Whilst driving, the Claimant told KS about her family problems such as her brother's drug problem. The Claimant pulled the car over just before reaching the office to finish the conversation and they were stationary for 20-30 mins on a public side road. After this, the Claimant and KS returned to the office together. The Claimant was acting normally and returned to the office happily with KS. It is denied that any assault or harassment took place as alleged or at all.</p>	
<b>Det7</b>	7th Augu st 2018	42 - 46	R6, R1, R3, R2.	Kapil	Kapil refusing to get out of the car when asked and saying to the Claimant “your top is very nice” and “your boobs are very nice”. Kapil sexually assaulting the Claimant by	S26 (2) and (3)	Denied. See above re. Det6 <i>[Para 35, 39, 48-58, 74.7 of KS Witness Statement]</i>

	Late afternoon				<p>grabbing her left breast outside of her top and said, “this ball is very nice”.</p> <p>When the Claimant started to cry, Kapil laughing and clapping and saying to the Claimant “for a few drops of semen you are making a drama” and threatening her again saying I will make you handicapped by breaking your arms and legs and you will be a beggar”</p>		
<b>Det8</b>	Late August 2018/ early September 2018	49-50	R6, R1, R3, R2 .	Kapil	<p>Kapil telling the Claimant when two other female colleagues complained to Sunny, Sunny did nothing and the women were sacked. The Claimant took this as a threat. On that date, Kapil saying “you are a bitch. You know that bitches don’t know how many dogs have “fucked” (he said the F-word in English) her”. The incident occurred in the SM/SAALF/SARR office on the first-floor office. No one else was present.</p>	S26 (2) and (3)	<p>Denied</p> <p><i>[Para 40 of KS Witness Statement]</i></p> <p><i>[Para 61 of KS Witness Statement]</i></p> <p><i>[Para 49 of HA Witness Statement]</i></p> <p><i>[Para 22 of RenuR Witness Statement]</i></p>

<b>Det9</b>	Late August 2018/ early September 2018	51	R6, R1, R3, R2.	Kapil	Kapil said to her that he could not concentrate when she was at the office because she was in front of him. He said that if she was not there, he could be satisfied but when she was there, he could not control himself when she was in front of him. The incident occurred in the office SM/SAALF/SARR office on the first floor. No one else was present.	S26 (2) and (3)	Denied <i>[Para 41 of KS Witness Statement]</i>
<b>Det10</b>	Around 17th September and thereafter in September	58 - 59	R6, R1, R3, R2.	Kapil	Kapil asking the Claimant ‘have you decided? Think carefully?’ and repeating threats to the Claimant’s income and visa if she didn’t go to a hotel with him. The incident occurred in the SM/SAALF/SARR office on the first-floor office. No one else was present.	S26 (2) and (3)	Denied <i>[Para 42 of KS Witness Statement]</i>
<b>Det11</b>	28th September 2018	61 – 64	R6, R1, R3, R2.	Kapil	Kapil coming into the Claimant’s office and saying “you are not a queen, you are a slut” and calling her a “prostitute”. He also expressed his annoyance that the Claimant was	S26 (2) and (3)	Denied This is referred to as the Incident on 28 September in the Respondents’ witness statements. <i>[Para 62-74.8 of KS Witness Statement]</i> <i>[Para 58-68 of GN Witness Statement]</i>



					<p>speaking with other staff.</p> <p>The incident occurred in the SM/SAALF/SARR office on the first-floor office. No one else was present.</p>		<p><i>[Para 12-13 of RK Witness Statement] – the witness made reference to the term “hoor pari” which she understands to mean “you are not a heavenly fair”</i></p> <p><i>[Para 14-16 of RM Witness Statement] – the witness made reference to the term “Kyu Kya tum koi hoor pari ho” which he believes to be the very common and well-known Hindi/Punjabi phrase “why are you some sort of beautiful goddess.” See these witness statements for the context of the remark.</i></p> <p>Regarding investigation outcome relating to this Incident, see para. 23 of NQ’s <b>Witness Statement</b></p> <p><b>See further the CCTV footage for 28 September 2018.</b></p>
<b>Det12</b>	28th September 2018	65 - 71	R6, R1, R3, R2.	Kapil	<p>Kapil blocking the Claimant from leaving the office and saying “Let’s go tomorrow to the hotel. We will discuss everything there.”</p> <p>Kapil pressurising the Claimant to go with him to a hotel.</p> <p>When the Claimant refused, Kapil saying: “I just want to feel you. What can’t you understand?” He then went through</p>	S26 (2) and (3)	Denied. See above. In relation to Det 11.

				<p>his set list of threats if she did not have sex with him.</p> <p>When the Claimant pointed out that there were cameras, Kapil saying “The cameras are here, dirty woman. The cameras are not on the stairs. Come there and I will show you.” (which the Claimant took as a threat to sexually assault her).</p> <p>Kapil placed his hand directly over his penis through his trousers and said: “This. I will put it in you.” (this was a threat of rape).</p> <p>Kapil threatening “I will make you handicapped, throw you out of the company and you will be on the road” when the Claimant continued to refuse to leave with him.</p> <p>The incident occurred in the SM/SAALF/SARR office on the first-floor office. No one else was present.</p>	
--	--	--	--	--	--

<b>Det13</b>	1st  October 2018	77-81	R6, R7, R2.	Sunny	<p>Sunny telling the Claimant “yes, you will lose your visa if you take this matter forward legally” in response to her protected act. Sunny saying he will think about what should happen.</p> <p>The incident occurred in Sunny’s office in the SM/SAALF/SARR office on the first-floor office. No one else was present.</p>	S26 S13 S27	<p>Denied</p> <p><i>[Para 38-42 of HA Witness Statement]</i></p>
<b>Det14</b>	1st  October 2018	82	R6, R7. R6, R2.	Sunny Rami	<p>Sunny and/or Rami failing to suspend Kapil and moving the Claimant to a different part of the office, without taking steps to provide a safe working environment for her, leaving her fearful of harassment.</p>	S26 S13 S27	<p>Denied</p> <p><i>[Para 35-42 of HA Witness Statement]</i></p> <p><i>[Para 7-11 of RamiR Witness Statement]</i></p> <p><i>[Para 6-11 of RenuR Witness Statement]</i></p> <p>The Claimant was offered to be moved to the other building close to other female colleagues ad RamiR’s office. The other building had a separate entrance, therefore ensuring the Claimant and KS would not come into contact. The Claimant agreed this was a suitable solution. KS was informed by HA that an investigation would be taking place to which he agreed to fully cooperate and not have any interaction with the Claimant. HA and RenuR felt it was not necessary to suspend KS and were satisfied that the</p>

							Claimant and KS were working at opposite ends of the building, preventing any interaction between them pending the outcome of the investigation. It is believed that a safe working environment was provided to the Claimant.
<b>Det15</b>	5th October 2018	85-87	R6, R7, R2. R6, R4, R5, R2 R6, R2. R6, R4, R5, R2	Sunny/ Ravinder/ Rami / Directors	Blocking the Claimant's access to her work email and Sunny telling the Claimant this was because he and another Director, Ravinder Singh Gidar, had decided that she was to no longer work for the hotel business. He said that she would therefore work for another business (which was not specified) and she needed to report to Rami directly	S26 S13 S27	Denied <i>[Para 8 of RG Witness Statement]</i> <i>[Para 51-52 of HA Witness Statement]</i> <i>[Para 12 of RamiR Witness Statement]</i>
<b>Det16</b>	5th October 2018	88-90	R6, R2.	Rami	During a recorded telephone conversation, Rami saying "I will kill you", "I will finish you", "You are a prostitute", "You are a very dirty thing", "I will take you to court and bring a witness against you", "Don't call Gauri", "You are a very rude person" and "You will see"	S26 S27 S13	Denied <i>[Para 13-20 of RamiR Witness Statement]</i>  The conversation was mostly in Punjabi. See the Independent translator's translation of the recording (Produced by Aplomb, a translation company which was jointly instructed by the parties' lawyers in accordance with the ET order of 24/4/20 [80]), This translation does not accord with the key aspects of the Claimant's recollection

							of the words used. See Aplomb translation and certificate of translation [946]
<b>Det17</b>	10th October 2018	94-98	R6, R8, R5, R1, R2	Nayaz	<p>During a hostile meeting, Nayaz treating the Claimant like she was a suspect, not a victim, asking the Claimant what proof she had and pressuring her to sign a statement written in pencil.</p> <p>In response to the recording of Rami (Det 16) Nayaz dismissing the harassment and saying Rami was angry and didn't mean the words, demonstrating his bias.</p> <p>The incident occurred in the Bridge Hotel, Greenford. No one else was present, except the attendees.</p>	S26 S13 S27	<p>Denied</p> <p><i>[Para 8-17 of NQ Witness Statement]</i></p> <p><i>[Para 3-10 of MP Witness Statement]</i></p> <p><b>See notes of 10 October 2018 meeting [624 and 629]</b></p> <p>MP attended the meeting with NQ and took handwritten notes using a pen (not pencil) which the Claimant was offered to sign. The Claimant declined.</p> <p>The Claimant was advised that she could bring a companion to the meeting, but she chose not to. NQ was supportive, ensuring that the Claimant felt comfortable throughout the meeting. NQ followed the ACAS guidance (see paras 4 and 11 of NQ's witness statement.) and held the meeting at a location away from the office. NQ acted appropriately and professionally carried out his role of investigator, gathering necessary information and asking many questions to help him understand the full extent of what the Claimant telling him.</p>

<b>Det18</b>	Around 10th October 2018	99	R6, R8, R5, R1, R2	Nayaz	Nayaz limiting the Claimant's grievance to the conduct of Kapil and excluding the failure of Sunny to intervene and investigate the sexual harassment and Rami's harassment of her.	S26 S13 S27	Denied <i>[Para 8-17 of NQ Witness Statement]</i> <i>[Para 8-10 of RenuR Witness Statement]</i>
<b>Det19</b>	12th October 2018	100 -102	R6, R9, R2 R6, R7, R2. R6, R2. R6, R4, R5, R2	Renu Sunny Rami Ravi	Failing to investigate her grievances prior to 1 October 2018 Ms Renu Ranger writing that the lawyer would need an explanation for the Claimant's 'unauthorised absence', a false allegation of misconduct.	S26 S13 S27	Referring to Paragraph 100 of the Particulars of Claim, the allegations were treated as a grievance after 1 October 2018 due to the fact that the Claimant had not previously raised any formal grievance or serious allegations against KS and had expressly stated to HA on 10 September that she did not wish to take any formal action. HA therefore acted in accordance with the Claimant's wishes and good practice. As for the allegation against RenuR it appears to relate to her letter to the Claimant dated 8 October 2018, which she explains in her witness statement and arise from the fact that she was not aware of a sick note submitted by the Claimant on 4 October. <i>[Para 33-38 of HA Witness Statement]</i> <i>[Para 7 of RG Witness Statement]</i> <i>[Para 13 of RenuR Witness Statement]</i> <i>[Para. 7 of RamiR Witness Statement]</i>

<p><b>Det20</b></p>	<p>30<sup>th</sup> Octo ber 2018 , 7<sup>th</sup> Novem ber 2018 and to date</p>	<p>105- 110</p>	<p>R6, R8, R5, R1, R2</p>	<p>Nayaz</p>	<p>Nayaz accusing the Claimant of not providing him with timely replies, giving no allowance to the fact that she was on sick leave, and harassing her to return to work so that he could inform her of the outcome.</p>	<p>S26 S13 S27</p>	<p>Denied <i>[Para 25-30 of NQ Witness Statement]</i> On 30 October 2018 NQ contacted the Claimant to inform her that the investigation had been completed and invited the Claimant to a meeting to discuss the report and take her views. In the same communication he also asked the Claimant for an update on her health because she was still absent from work due to ill health. No response was received by the Claimant. On 1 November 2018 NQ followed up his communication of 30 October but did not put any pressure on the Claimant to attend a meeting as he was conscious that she was on sick leave. On 2 November 2018 the Claimant assured NQ that she would respond following an appointment with her GP on 6 November 2018, however no response was received. NQ responded to the Claimant by email on 7 November. There was no pressure being put on the Claimant to return to work. The final investigation report was sent to the Claimant on 25 September 2019 following many attempts to meet with the Claimant to discuss the findings. The Claimant was invited to make contact if she wished to discuss the report. The Claimant did not respond.</p>
---------------------	--	---------------------	-------------------------------	--------------	--	------------------------	---