



EMPLOYMENT TRIBUNALS

Claimant

Mrs Anna Duralska

v

Respondent

North Bristol NHS Trust

Heard at: Southampton

On: 12,13,14,15,16, 19 and 20 July 2021

Before: Employment Judge Rayner
Ms Hewitt – Gray
Ms J Miller

Appearances

For the Claimant: In person

For the Respondent: Miss C Ibbotson, Counsel

Judgment

1. The hearing was conducted by the parties attending by video conference (VHS).
2. The Claimant was constructively and unfairly dismissed.

The Claimant was unlawfully harassed for a reason related to race and/or nationality in respect of the following matters:

- 1.1 In February or March 2019 by a remark by Ms Curnock that none of her friends liked foreigners;
 - 1.2 In April 2019 by Ms Curnock referring to her husband resigning from work because Polish workers were speaking Polish amongst themselves and told him to start learning Polish if he wanted to speak to them;
 - 1.3 In July 2019 Ms Curnock looked at the Claimant in an intimidating way whilst she was eating cake. When the Claimants left, Ms Curnock said “she is a fucking nightmare, she didn’t pay for the cake. If she did, she would have said. Anything for free she will have it.”
 - 1.4 In July 2019 Ms Curnock made negative comments about Polish people after hearing about a Polish gang trafficking slave workers.
 - 1.5 At the end of October 2019 Mr Elmi said “no more Polish drama when the Claimant said they would be working with another Polish worker.
2. The Claimant was victimised by the Respondent contrary to section 27 Equality Act 2010 in that
 - 2.1 The claimant was instructed to work on the 6th floor on her return to work;
 - 2.2 The Respondent decided to terminate the Claimants fixed term contract and not to offer a renewal of it;
 - 2.3 The Claimant was constructively dismissed.
 3. The claims were all part of a continuous act, and/or in any event it would be just and equitable to extend time in respect of any that were out of time.

4. The Respondent will pay the Claimant the following as compensation:

Basic award			£3075.21
Compensation for loss of statutory rights			£500.00
Loss of pension	64 weeks @£10.25 per week	£694.15	£694.15
Loss of earnings from date of dismissal to date of hearing		£4704.27	£4704.27
Injury to feeling award		£15,000.00	£15,000.00
Interest on loss of earnings and injury to feeling of 8% for 12 months	Total loss of earnings, pension and injury to feelings	£20,398.42 x 8%	£1631.87
<u>Total award payable to the Claimant</u>			<u>£25,605.50</u>

Employment Judge Rayner

Date: 09 August 2021

Sent to the Parties: 16 August 2021

FOR THE TRIBUNAL OFFICE

Notes

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.