



EMPLOYMENT TRIBUNALS

Claimants: Miss S Martin
Mr N Lowe

Respondent: RKZ Hotel and Pub Company Ltd

Heard at: Manchester

On: 15 & 16 August 2021

Before: Employment Judge Phil Allen
Mrs A Ashworth
Dr H Vahramian

REPRESENTATION:

Claimants: In person

Respondent: Did not attend, having not responded

JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The claimants did make protected disclosures to the respondent on 6 May, 11 May, 3 June, 4 June, and 8 June 2021.
2. The respondent did subject the claimants to a detriment on 17 June 2021 by informing the claimants that the terms of their contracts had been unilaterally varied so that their employment could be terminated on 24 hours notice, and they could be required to vacate the premises in which they were residing on 24 hours notice. That was on the ground that the claimants had made a protected disclosure. The claims under sections 48 and 47B of the Employment Rights Act 1996 succeed.
3. The claimants were dismissed by the respondent on 19 June 2021 within the meaning of section 95(1)(c) of the Employment Rights Act 1996 (constructive dismissal) in that the respondent had fundamentally breached the duty of trust and confidence and the claimants resigned in response to that breach (without delay) and were entitled to do so.
4. The principal reason for the claimants' dismissal was that they had made one or more protected disclosures. The claimants were automatically unfairly dismissed as provided by section 103A of the Employment Rights Act 1996.

5. Miss Martin's claim for sex discrimination is dismissed on withdrawal.
6. Miss Martin is awarded a compensatory award for unfair dismissal of **£7,038.46**.
7. Mr Lowe is awarded a compensatory award for unfair dismissal of **£5,683.46**.
8. Each of the claimants is also awarded an injury to feelings award of **£5,000** (to each claimant) arising from the detriment found (in accordance with section 49 of the Employment Rights Act 1996).

Employment Judge Phil Allen
16 August 2022

JUDGMENT SENT TO THE PARTIES ON
18 August 2022

FOR THE TRIBUNAL OFFICE

Notes

Reasons for this 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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case numbers: **2408393/2021 & 2408393/2021**

Name of cases: **Miss S Martin** v **RKZ Hotel and Pub**
Mr N Lowe **Company Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant judgment day" is: 18 August 2022

"the calculation day" is: 19 August 2022

"the stipulated rate of interest" is: **8%**

Mr S Artingstall
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.
2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".
3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.
4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).
5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.
6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.