



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms. N Scott

**Respondent:** Garden County Vending Ltd (1)  
Mr. P Woodard (2)

**Heard at:** South London Hearing Centre

**On:** 5-9 December 2022

**Before:** Employment Judge McLaren  
**Members:** Mr. E Maw  
Mr. A Fairbank

## Representation

**Claimant:** In person  
**Respondent:** Mr. R Anderson, Counsel

# JUDGMENT

The unanimous judgment of the Tribunal is that: -

1. The claim for constructive unfair dismissal does not succeed. The claimant had affirmed the contract.
2. The claim for harassment on grounds of sex does not succeed because the tribunal has no jurisdiction to hear the matter.
3. The claimant made two qualifying protected disclosures Those disclosures were that the Managing Director started his motorbike in the warehouse where food was stored ,and that he travelled in a car with a dog in which food was also later carried.
4. The claimant was subject to the following detriments as a result of these protected disclosures,
  - a) accused of stealing;
  - b) accused of overpaying staff;

- c) not being given a promised pay rise;
  - d) being given a verbal warning that she had been told she would not get;
  - e) inappropriate comments and jokes being made about the issues the Claimant had raised ; and
  - f) interviewing people to do the Claimant's job/the majority of her job and not providing her with training to do the new invoicing system.
5. The claims under section 43B of the Employment Rights Act 1996 therefore succeed against the First Respondent .
6. The claim for sexual harassment succeeds against the First and Second Respondent .
7. The Claimant was treated less favorably because of her complaints of discrimination in the way set out at 2 a) – f). Her claim for victimisation succeeds against the First and Second Respondent.
8. The claim for failure to provide written particulars of employment succeeds against the First Respondent

#### Compensation

9. By consent the First and Second Respondent are ordered to pay the Claimant a total of £ 24,250 . This is for all of the successful claims. Each Respondent is jointly and severally liable for this payment.

Employment Judge McLaren

Date 9 December 2022

#### 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.

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