



EMPLOYMENT TRIBUNALS

Claimant: Miss J E Yorke

Respondent: Samuel Smiths Old Brewery (Tadcaster)

Heard at: Leeds **On:** 20, 21 and 22 July 2022

Before: Employment Judge S Shore
NLM – Ms J Lancaster
NLM – Mr K Lannaman

Appearances

For the claimant: Mr J Jenkins, Counsel
For the respondent: Mr B Hodgson, Solicitor

JUDGMENT

The unanimous decision of the Tribunal is that:

1. The claimant's claim of constructive unfair dismissal succeeds. The claimant was constructively unfairly dismissed. There shall be no deduction of compensation arising from the principles of contributory conduct or Polkey.
2. The claimant's claim of wrongful dismissal (failure to pay notice pay) succeeds.
3. The claimant's claim of direct discrimination because of the protected characteristic of disability (contrary to section 13 of the Equality Act 2010) fails.
4. The claimant's claim of failure to make reasonable adjustments (contrary to sections 20 and 21 of the Equality Act 2010) fails.
5. The claimant's claim of harassment related to the protected characteristic of disability (contrary to section 26 of the Equality Act 2010) fails.
6. The claimant's claim of victimisation (contrary to section 27 of the Equality Act 2010) fails.
7. The respondent breached its duty to give the claimant a written statement of employment particulars or of a change to those particulars. There are

no exceptional circumstances that would make it unjust or inequitable to make the minimum award of two weeks' pay under section 38 of the Employment Act 2002.

8. Terms of settlement on remedy having been agreed and met, the claimant's case shall be dismissed upon withdrawal on Thursday 18 August 2022 unless either party seeks to relist it by 4:00pm on that date.
9. The recoupment provisions in the Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 do not apply.

Employment Judge Shore

Date 28 July 2022