



EMPLOYMENT TRIBUNALS

Claimant: Miss A Winter

Respondent: Out and Out Original Limited

Heard at: London South Employment Tribunal

On: 15 – 17 March 2023

Before: Employment Judge Dyal sitting with Non-Legal Members Ms Norina O’Hare and Mr Colin Wilby

Representation:

Claimant: in person

Respondent: Ms Tracey Leake, Finance and Operations Manager

JUDGMENT

1. It is just and equitable to extend time in relation to all complaints.
2. The following matters were acts of discrimination arising from disability within the meaning of s.15 Equality Act 2010:
 - a. At around 4.30 pm on 23 February 2021 Mr Farrow logging the Claimant as absent without leave because she had not answered phone calls that day;
 - b. At around the same time as at Mr Farrow telling the Claimant that she would not receive a full day’s pay because she had not answered phone calls;
 - c. On 24 February 2021 Mr Farrow assigned every new email to the Claimant and none to another equivalent employee;
 - d. On 24 February 2021 Mr Farrow setting the Claimant 8-9 tickets per hour against 6 per hour for another employee called Lottie
 - e. Dismissing the Claimant on 24 February 2021
 - f. Mr Fairburn describing the Claimant as a “dead weight” and that he only needed people who “sing his tune” in an email on 23 February to Mr

Farrow on 23 February 2021 at 1741;

- g. Mr Fairburn instructing Mr Farrow to “fire” the Claimant as he was “sick of it” and that the Respondent didn’t need the claimant in an email at 1647 on 24 February 2021.
3. The Respondent failed to provide the Claimant with written particular of employment in the timeframe required by s.1 Employment Rights Act 1996.
4. The Respondent shall pay the Claimant compensation in the sum of **£20,636.69** being:

Financial losses flowing from discrimination	£5,862.84
Interest thereon (pursuant to Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996	£482.52
Injury to feelings	£10,000
Interest thereon (pursuant to Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996	£1,646.03
s.207A TULR(C)A 1992 uplift of 10%	£1,799.39
s.38 EA 2002, award of 2 weeks pay on failure to comply with s.1 Employment Rights Act 1996	£846.16

Employment Judge Dyal

Date 17.03.2023