



EMPLOYMENT TRIBUNALS

Claimant: Miss C Partner

Respondent: Heheals Pharmaceutical Services t/a Christchurch Care Limited

Heard at: East London Hearing Centre (by video)

On: 4, 5 and 6 April 2023

Before: Employment Judge P Klimov

Members: P Alford
G Forrest

Representation

For the Claimant: In person
For the Respondent: Mr S Joshi, solicitor

JUDGMENT

1. The Claimant's complaint of being subjected to a detriment contrary to s.47B Employment Rights Act 1996 ("ERA") by:
 - (a) being attacked by Ms Gill Hughes on 3 May 2021, and
 - (b) being removed from the care rota for her clientis well founded and succeeds.

2. The Claimant's complaint of being subjected to a detriment contrary to s.47B ERA by:
 - (a) on or about 9 July 2021, Ms Kirk providing a malicious reference to the Claimant's prospective employer, and
 - (b) on 9 September 2021, Ms Kirk contacting the Claimant's new employer and making false allegations that the claimant stole medicationfails and is dismissed.

3. The Claimant was unfairly dismissed by the Respondent for making protected disclosures (s.103A ERA).

4. The Claimant's complaint of direct disability discrimination (s.13 Equality Act 2010 ("**EqA**")) fails and is dismissed.
5. The Claimant's complaint of harassment related to her disability (s.26 EqA) fails and is dismissed.
6. The Claimant was victimised by the Respondent (s.27 EqA) by
 - (a) on or about 9 July 2021, Ms Kirk providing a malicious reference to the Claimant's prospective employer, and
 - (b) on 9 September 2021, Ms Kirk contacting the Claimant's new employer and making false allegations that the Claimant stole medication.
7. The Respondent must pay to the Claimant compensation for subjecting her to detriments contrary to s.47B ERA, for unfair dismissal, and for victimisation. The amount of compensation will be determined by the Tribunal at a remedy hearing, if not agreed by the parties.

.....
8. It is ordered that within 21 days of the date of this Judgment both parties must write to the Tribunal to confirm if a remedy hearing is necessary and if so, the parties must give their dates to avoid from 1 May 2023 until 31 December 2023.

Employment Judge Klimov
Date: 6 April 2023