



EMPLOYMENT TRIBUNALS

Claimant: Miss. P Rodrigues

First Respondent: D Brice and Company Ltd T/A D B Services

Second Respondent: Busy Bee Cleaning Services Ltd T/A BBCS

Heard at: London South

On: 17, 18 & 19 May 2023

Before: Employment Judge D Wright
Ms. A Williams
Mr. J Turley

Representation

Claimant: In person, with assistance from an interpreter

First Respondent: Miss. Ibbotson, Counsel

Second Respondent: Mr. Charity, Consultant (Day one only)

JUDGMENT

1. The Claimant's application to strike out the First and Second Respondents' responses for failure to comply with Case Management Orders is refused.
2. The First Respondent's application to strike out the Claim for failure to comply with Case Management Orders is refused.
3. Upon the First Respondent withdrawing their allegation that the Claimant did not transfer to them under TUPE from the Second Respondent, the Claim against the Second Respondent is dismissed with the consent of all parties.
4. The Claimant was not discriminated against on grounds of her race.
5. The Claimant's claim of discrimination on grounds of race is not well founded and is dismissed.
6. The Respondent did not dismiss the Claimant, either directly or constructively. The Claimant's claims for unfair dismissal and/or wrongful dismissal are therefore dismissed.
7. The Claimant resigned from her position by way of her conduct. The claim

for notice pay is therefore dismissed.

8. The Claimant's claim for unpaid holiday from 2018 is out of time and is dismissed.
9. The Claimant is owed 5 days holiday from 2021 which was accrued but unpaid.
10. The Respondent is to pay the Claimant the sum of £224.00 gross of tax to account for the unpaid holiday pay.

Employment Judge **D Wright**

Date **19 May 2023**

JUDGMENT SENT TO THE PARTIES ON

Date **06 June 2023**

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FOR THE TRIBUNAL OFFICE

Note

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.

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.