



EMPLOYMENT TRIBUNALS

Claimant

Ms N Karim

Respondent

v ISWP Support Services Limited (1)
ISWP Group Limited (2)
ISWP Assessment Services Limited
(3)

Heard at: Cambridge

On: 14, 15, 16, 17, 18 and 23 August 2023

In Chambers: 21 and 22 August 2023

Before: Employment Judge Tynan

Members: Ms L Davie and Mr C Davie

Appearances

For the Claimant: In person

For the Respondent: Mr F Husein

JUDGMENT

1. The Claimant's claim pursuant to s.48 of the Employment Rights Act 1996 that she was subjected to detriments contrary to s.47B of the Employment Rights Act 1996 succeeds against the First Respondent in respect of the following matters:
 - a. Mrs Bains comments made to Mr Tapera on 15 March 2021 (Issue 5.1.2 of the List of Issues, with reference to paragraph 34 of the Claimant's 'Background Information' document);
 - b. The Respondent's actions in requiring the Claimant to attend a disciplinary investigation meeting on 12 April 2021 (Issue 5.1.4 of the List of Issues); and
 - c. The Claimant's constructive dismissal (Issue 5.1.5 of the List of Issues).

2. The Claimant's claim that the First Respondent discriminated against her by failing to comply with its duty in relation to her pursuant to s.20(3) of the Equality Act 2010 succeeds (Issue 11 of the List of Issues).
3. The Claimant's claim that the First Respondent harassed her in contravention of s.26 of the Equality Act 2010 succeeds in respect of Mrs Bains comments to the Claimant in the course of their telephone discussion on 11 March 2021 (Issue 12.1.1 of the List of Issues, with reference to paragraph 23 of the Claimant's 'Harassment Claims' document).
4. The Claimant's claim that the First Respondent victimised her in contravention of s.27 of the Equality Act 2010 succeeds in respect of the Respondent's actions as alleged in paragraph 13.2 of the List of Issues.
5. The Claimant's remaining complaints pursuant to s.48 of the Employment Rights Act 2010 and s.26 and s.27 of the Equality Act 2010, together with the Claimant's claims that she was unfairly constructively dismissed in contravention of s.103A of the Employment Rights Acts 1996, directly discriminated against contrary to s.13 of the Equality Act 2010, indirectly discriminated against contrary to s.19 of the Equality Act 2010, harassed by reason of race contrary to s.26 of the Equality Act 2010 and that she is owed holiday pay, are not well founded and are dismissed.

Employment Judge Tynan

Date: 25 August 2023.....

Sent to the parties on:
13 September 2023.

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For the Tribunal Office