



EMPLOYMENT TRIBUNALS

Claimant: Ms A Squelch

Respondent: Mizzling Limited

Heard at: Manchester

On: 23 February 2026

Before: Employment Judge Barker

REPRESENTATION:

Claimant: Self-represented, with the assistance of Mr Harden

Respondent: No attendance

JUDGMENT

1. **The respondent is to pay to the claimant the total sum of £48846.99, calculated as set out below.**
2. The claimant was at the time of her complaints a disabled person within the meaning set out in s6 Equality Act 2010 and the respondent had knowledge of the same.
3. The complaints of direct sex discrimination are well-founded and succeed.
4. The complaints of harassment related to sex and disability are well-founded and succeed.
5. The respondent is to pay to the claimant compensation for financial losses arising out of the discrimination of £20524.15 plus interest of 8% which is £1471.00.
6. The respondent is to pay to the claimant compensation for injury to feelings arising out of the discrimination of £20,000 plus interest of 8% which is £2967.67.
7. The complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages in the pay period from 11 May 2025. The respondent shall pay the claimant £114.78, which is the gross sum deducted. The claimant is responsible for the payment of any tax or National Insurance.

8. The complaints of direct age discrimination are not well-founded and are dismissed.
9. The total compensation is £45077.59. This will be subject to the payment of income tax on any amount over £30,000, that is £15077.59.
10. Grossing up of the award: the claimant is currently unemployed, and her tax rate will be 20%. £15077.59 grossed up by 20% is £18846.99.
11. The claimant's total award is therefore £30000 plus £18846.99 = £48846.99. When the excess over £30000 is taxed at 20%, she will be left with her original award of £45077.59.
12. The Recoupment Regulations do not apply to this award of compensation.

REASONS

1. The claimant brought claims of discrimination and unlawful deductions from wages in a claim form dated 28 July 2024, having engaged in ACAS Early Conciliation from 10 June 2024 to 22 July 2024.
2. The respondent's response was submitted late. The parties attended a case management preliminary hearing before Employment Judge Shotter in January 2025 at which the respondent was given an extension of time to submit its ET3 response but did not do so. Employment Judge Leach struck out the response, such as it was, in a judgment dated 2 October 2025.
3. The claimant's claims are therefore not defended. The respondent did not attend the hearing today, even to make submissions on remedy.
4. The Companies House register indicates that the respondent had applied to strike the company from the Register and for it to be dissolved. Checks with Companies House on the morning of the hearing confirmed that the company was still active and so the hearing could proceed.
5. The claimant had prepared a bundle of evidence and a witness statement, including a statement as to the impact of her disability, and she had also provided a schedule of loss. She gave the Tribunal sworn evidence under oath.

Findings of Fact

6. The claimant attended an interview on 13 March 2025 to work in the respondent's new bar/restaurant. At this point, the venue had not opened to the public and there was extensive renovation and cleaning work being carried out. The claimant told the respondent's managing director, Euan Watkins, that she already had significant supervisory and management experience and hoped

that there might be a management position available. Mr Watkins told the claimant that until the bar opened to the public, the job was being offered on the basis of casual work and that all members of staff would be paid the same wage. This was accepted by the claimant, and she understood that the work initially would be cleaning and preparatory work setting up the venue. Mr Watkins told the claimant that there would be two managerial positions available and that he would have a discussion with her nearer the opening time about whether this would be paid at a higher hourly rate, or as a salaried position. The claimant understood from this conversation that she would be considered for one of the management posts, as Mr Watkins had been pleased with the amount of managerial experience that she had.

7. During the interview, the claimant also told Mr Watkins that she had a health condition, hypermobility, that restricted what she was able to lift and carry and they had a conversation about this. Mr Watkins asked how it might impact her role and she told him that she was unable to lift and carry heavy objects such as beer kegs, so she would not be able to carry them to or from the cellar. She told him she could also not move heavy objects such as large tables but she would be able to stock the bar with more trips, plan the layout of the restaurant and so on. She told me that Mr Watkins was “OK” with this.
8. She also told the rest of the staff at the time they all started work about what her health condition was and what she would not be able to do.
9. She told me that despite having symptoms of the condition since she was about 8 years old, it was only in the weeks before her interview (so in early March 2024) that she was given a formal diagnosis of the condition. The claimant was 22 years old at the time she started work at the respondent, so it was the first time she had notified an employer that she was disabled by reason of this condition and asked for adjustments.
10. The claimant said that she and another staff member, Gaz, took on the supervisory role and directed the rest of the staff in carrying out the cleaning and set-up work. She said they told the rest of the staff what to do, including another member of staff, Mark. She said there was no set rota or schedule, and it was agreed the day before what work was to be done and who was able to come in to do it. The staff wrote down when they’d worked and Mr Watkins then paid them for it.
11. The claimant told me that once she started working, she realised that there was a lot of heavy lifting to do – more than she had anticipated. The tables in the restaurant were very heavy, having iron legs, and she was unable to lift them. Instead, she said she was effectively a cleaner for a month, as the restaurant

was in an old building that was being renovated. There was a lot of cleaning to do, removing dust and mould and cleaning up after the tradespeople who were still in the building. Most staff were there 4-5 days per week, but the claimant did on average 2-3 days per week, because she told the staff that she would not come in on days when there would be a lot of heavy lifting, as she would not be able to help and would be in the way. Gaz was in every day that other people were in. Mark was not in on occasion, as he played netball and needed time off for matches.

12. The claimant told me that, having started work on 15 March 2024, about two weeks later (between 25 and 30 March) Mr Watkins asked her if she was really working while she was on shift, and questioned if she was putting in as much effort as the other staff. He also questioned whether he should pay her for the days she had worked in the circumstances. She said she explained to him what she had agreed with Gaz and the other staff members about being unable to do the heavy lifting but doing the cleaning and organising instead. She told me that she thought that he had accepted her explanation during their conversation, but that she felt unsettled and unhappy by his questioning of her nonetheless.
13. However, she said that it took several further conversations with Mr Watkins about this before he paid her, and she was paid late. Other staff were paid at the end of March, but she was paid several weeks later. She was then paid weeks late again in May instead of at the end of April, with no explanation.
14. She considers these conversations and the consistent late payment by Mr Watkins to be acts of harassment on the ground of her disability. She had already had a conversation with him in her interview about the physical limitations of her condition. She had not asked to be paid for days on which she had not worked. He had left the members of staff to carry out the work between themselves, and she had adjusted her role to accommodate her condition, with the agreement of Gaz, the other de facto supervisor.
15. At the start of April, a few days before the opening to the public, at a staff meeting, the staff were told that Gaz had been promoted to general manager. He had no management experience. The claimant had supervisory and management experience. There had been no consultation with the claimant, and she had not been given the opportunity to apply for the role, despite having expressed her interest in it to Mr Watkins.
16. On 3 April 2024 the claimant was in the building talking to a member of staff, Jazz, when Mark interrupted their conversation to ask what they had been talking about. He assumed they had been talking about him and objected to

this. The claimant told him they hadn't been, and he accused her of being childish. A row ensued. During the row, Mark made derogatory comments to the claimant about the work that she had been doing, making allegations that she had not been "*pulling her weight like everyone else,*" that she was "*barely there*" and "*took trips to the Trafford Centre*" instead of being at work like anyone else. The claimant told me that Mark was one of the staff members who she had told about her condition at the start of her employment, and the fact that she could not carry out heavy lifting. The claimant says that this conversation with Mark was an act of harassment on the ground of her disability.

17. She spoke to Mr Watkins about Mark's treatment of her the following day, accompanied by Jazz, who had witnessed it. She told him that the conversation with Mark had really upset her and that he had been aggressive with her and raised his voice at her. Mr Watkins told the claimant that he could "*see this coming*" because of his conversations with her at the end of March about her capabilities, and that she needed to "*see it from Mark's point of view*" and "*try to be understanding of Mark's side of the situation*". She told him that she wanted him to investigate the situation further, as she was not comfortable being on shifts with Mark due to his aggression and his comments about her disability. She told me that Mr Watkins had not wanted to listen to her, and she found her treatment by him to be degrading.
18. She did not have any confidence that Mr Watkins would investigate the matter or support her further. She considered resigning at this point, but decided to see whether Mr Watkins would, in fact, take her complaint about Mark seriously and address the matter with him. Her concerns about her safety when working with Mark were heightened when, on 6 April, she overheard him telling Jazz that he had been "jumped" by some men while on the street and that he had hit a female bystander who was with them.
19. Having asked Mr Watkins not to put her on shifts with Mark, he continued to do so. She said that he rostered her to work with Mark at least twice a week until her resignation and she was frequently rostered to work alone with Mark on a shift. She considers this to be an act of sex-based harassment by Mr Watkins.
20. On 3 May 2024, she discovered that Mark was promoted to the other managerial role. Again, she had not been consulted about this, and she had considerably more managerial and supervisory experience than Mark. Mark also had a complaint against him that he had acted in an aggressive and threatening way to her, that Mr Watkins had ignored.
21. On 11 May 2024, the claimant resigned. She had attempted to give her resignation directly to Mr Watkins, but he ignored her messages requesting a

conversation and he avoided her when they were in the building at the same time. She therefore gave Gaz her resignation. She told me that Gaz had said *"I was surprised that you didn't resign as soon as you found out that Mark had been promoted and not you."*

22. Since leaving the respondent's employment, the claimant has made at least a hundred job applications. She has disclosed her disability to prospective employers and considers this to have put her at a disadvantage for jobs in hospitality. She does not have experience for office or administrative jobs and has been unsuccessful in applying for these. She has therefore retrained as a beauty therapist. I find that the claimant has taken some steps to mitigate her losses. She has not yet found a job.
23. She told me that the impact of her treatment by the respondent on her confidence and resilience has been significant. She is a young woman at the start of her working life and has a disability. She disclosed it to her employer in good faith and in the expectation that her rights under the Equality Act to adjustments would be honoured, and they were not, and she was harassed as a consequence. She considered herself also to have been subject to sex discrimination. She has struggled to find alternative work and is now receiving treatment for depression.

Is the claimant a disabled person? (Equality Act 2010 section 6)

24. In order to be a disabled person within the definition in section 6 of the Equality Act 2010, the claimant must have:
- a. A physical or mental impairment
 - b. Which has a substantial adverse effect on their ability to carry out normal day to day activities
 - c. Which is long-term. This means that it has lasted for 12 months already at the date of the alleged discrimination or is likely to last for 12 months from the date of first onset. "Likely" is said to mean that it "could well happen".
25. The claimant must have been a disabled person at the time of the alleged discrimination.
26. I accept that the claimant was a disabled person at the time she was employed by the respondent. She had a physical impairment, hypermobility, which had a substantial adverse effect on her ability to carry out normal day to day activities. She could not lift or carry heavy objects and often had to put up with being in a significant amount of pain. The condition is lifelong and the claimant had been experiencing symptoms since the age of 8.
27. The respondent knew that the claimant was disabled as she told him at her interview on 13 March 2024 and told the rest of the respondent's staff when she started working there two days later.

Harassment related to disability (Equality Act 2010 section 26)

28. I accepted the claimant's evidence that the respondent did the following things:

- a. That between 25 and 30 March 2024 Mr Watkins asked her if she was really working whilst on shift or if she was not putting in as much effort as the other staff;
- b. Between 25 and 30 March 2024 Euan Watkins told her wouldn't pay her for hours that she'd completed if she wasn't actually working at those times and the claimant was then paid late;
- c. On 3 April 2024, Mark shouting that the claimant was childish, was not pulling her weight like everyone else, that everyone else has been putting in a lot of effort and working hard and she was barely there and took trips to the Trafford centre.
- d. On 4 April 2024, when the claimant spoke to Mr Watkins about Mark's comments, Mr Watkins told her that he "could see this coming" because of previous conversations about her capabilities on shift and asked the claimant repeatedly to see it from Mark's point of view and try to be understanding of Mark's side of the situation.

29. I accept that this was that unwanted conduct related to the claimant's disability and that it had the effect of violating her dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for her. I have taken into account the claimant's perception and the other circumstances of the case and I have concluded that it was reasonable for the conduct to have that effect. The comments made were directly related to the claimant's disability, which the respondent had full knowledge of.

Harassment related to sex (Equality Act 2010 section 26)

30. I accepted the claimant's evidence that the respondent did the following things:

- a. On the 6 April 2024 the claimant overheard Mark telling Jazz that he has hit women before.
- b. Despite her request not to be put on shift with Mark, Mr Watkins put the claimant on shift with him on a frequent basis, at least 2 shifts per week until she left the respondent.

31. I accept that this was that unwanted conduct related to the claimant's sex and that it had the effect of violating her dignity and creating an intimidating, hostile, degrading, humiliating or offensive environment for her. I have taken into account the claimant's perception and the other circumstances of the case and I have concluded that it was reasonable for the conduct to have that effect. It did not matter that the comments made about having hit a woman were not made directly to the claimant, as they contributed to creating a hostile environment for her in circumstances where she had recently had a confrontation with the same person who had been aggressive to her.

32. In relation to being put on the same shift as him, the claimant said that in fact the situation was more stressful again, as she was frequently alone on shift with him. Given that she had directly told Mr Watkins what the issue was and he had both failed to investigate and then again failed to accommodate the claimant's request for a different shift pattern, the claimant reasonably concluded that she was being harassed by Mr Watkins' actions on the basis of her sex.

Direct Discrimination

33. Section 13(1) of the Equality Act 2010: A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.

34. The Tribunal is to make a comparison with an actual or hypothetical comparator in not materially different circumstances (section 23 EQA 2010). Ultimately, the Tribunal is considering what is the reason why the treatment occurred as it did.

35. It is possible to use the evidence of comparators in materially different circumstances to construct a hypothetical comparator and determine how such a hypothetical individual would be treated. However, a statutory comparator as per s23 Equality Act 2010 must be a comparator in the same position in all material respects of the victim save that he, or she, is not a member of the protected class (*Shamoon v Chief Constable of the Royal Ulster Constabulary* [2003] IRLR 285).

36. Section 136 of the Equality Act 2010 deals with the burden of proof in discrimination cases. Section 136(2) states that if there are facts from which the court could decide, in the absence of any other explanation, that a person committed the act of discrimination, the court must hold that the discrimination occurred. This does not apply if that person shows that they did not commit the act of discrimination. Case law guidance, including the leading case of *Igen v Wong*, states that the respondent's explanation as to why they did not contravene the provision concerned must be "in no sense whatsoever" because of the claimant's protected characteristic, in this case her sex.

37. I find that the claimant not being informed of managerial opportunities in March 2024 and May 2024 and not being offered the opportunity to take advantage of those opportunities that arose, was less favourable treatment. The claimant says she was treated worse than Gaz and Mark who are both male.

38. Was the reason why she was treated less favourably because she is female? I discussed with the claimant whether the treatment was connected with her disability instead of her sex. However, I consider that the claimant has established facts from which I could conclude, in the absence of an explanation from the respondent, that the treatment was because of her sex. These facts are her qualifications and experience being far greater than Mark and Gaz, and also because of Mr Watkins' refusal to sanction or investigate Mark for having been aggressive towards the claimant in the workplace, and then putting her

alone on shift with him. I note that even in the ET3 that was submitted late by the respondent and not accepted by the Tribunal, the respondent made no attempt to defend the allegations of discrimination, focussing only on the unpaid wages. The respondent has submitted no defence or explanation for the failure to promote the claimant and so cannot explain why her treatment was in no sense whatsoever to do with her sex. She succeeds in her direct discrimination complaints.

39. The claimant alleged in the alternative that the failure to promote her may have been age discrimination. However, other than a difference in age and a difference in treatment, she has not advanced any further evidence or argument to show that the treatment was because of her age. The age discrimination claim is therefore not well made out and is dismissed.

Wages Claims

40. The complaint of unauthorised deductions from wages is well-founded. The respondent made an unauthorised deduction from the claimant's wages in the pay period from 11 May 2025. She was not paid £103 wages as owed. She also was not reimbursed expenses of £11.78. The respondent shall pay the claimant £114.78, which is the gross sum deducted.

Remedy – financial loss as a result of discrimination

41. The claimant claims future loss of earnings at the rate of a bar manager in the Bury area. I accept that but for the sex discrimination, the claimant would have been promoted to a manager's position at the respondent and so can claim future losses at a manager's salary rate. She gives a figure of £23,314 net per year for this, which I accept.
42. She claims loss of earnings to the date of the hearing and future loss of earnings. Although I accept that the claimant has applied for a number of jobs, she has not secured alternative employment. She has taken courses in beauty therapy and wants to open her own business but is saving the money to do so. As an alternative to saving up for her own business, she could have taken more steps to find work as a beauty therapist. In the circumstances I find that a period of future loss of earnings of one year at £23,314 net, minus Universal Credit payments of £2790.86, plus interest, is an appropriate period of future losses.
43. She has £20524.14 losses and interest is charged at 8% for half of the period of loss. The period of loss from the date of dismissal to the date of the hearing is 654 days, divided by 2 is 327 days. 8% interest for a period of 327 days at 8% on £20524.14 is £1471.
44. The claimant's total compensation for future loss of earnings is therefore £21995.14.
45. The claimant claims £20,000 for injury to feelings, in the middle of the middle *Vento* band. In the case of *Prison Service and ors v Johnson 1997 ICR 275*,

EAT the Tribunal set out the general principles that underlie awards for injury to feelings:

- a. awards for injury to feelings are designed to compensate the injured party fully but not to punish the guilty party
 - b. an award should not be inflated by feelings of indignation at the guilty party's conduct
 - c. awards should not be so low as to diminish respect for the policy of the discrimination legislation. On the other hand, awards should not be so excessive that they might be regarded as untaxed riches
 - d. awards should be broadly similar to the range of awards in personal injury cases
 - e. tribunals should bear in mind the value in everyday life of the sum they are contemplating, and
 - f. tribunals should bear in mind the need for public respect for the level of the awards made.
46. The scope of possible awards for injury to feelings are referred to as "Vento bands" and Tribunals are to consider the Presidential Guidance on Employment Tribunal Awards for Injury to Feelings and Psychiatric Injury. The relevant Guidance for the period of the claimant's claims is the Seventh Addendum. In respect of claims presented on or after 6 April 2024, the "Vento" bands are: a lower band of £1,200 to £11,700 (less serious cases); a middle band of £11,700 to £35,200 (cases that do not merit an award in the upper band); and an upper band of £35,200 to £58,700 (the most serious cases), with the most exceptional cases capable of exceeding £58,700.
47. Considering the claimant's involvement with the respondent as a whole, she has suffered considerable injury to feelings from their conduct towards her. Even though her period of employment was relatively short, she was subjected to disability-related harassment, sex-related harassment and direct discrimination on the basis of her sex during that time. This means that an award in the middle band may be appropriate.
48. In relation to the sex discrimination, the claimant told me that this had made her very angry. She was 22 at the time and this was the first time she had experienced sex discrimination at work. She was angry, surprised and disappointed that she was treated in this way by Mr Watkin and by Mark. Mr Watkin retracted the promotion opportunities that had been discussed with her at the start of her employment.
49. In relation to the disability discrimination, I accept that her confidence was very significantly undermined by her treatment by the respondent, as she was newly diagnosed at the time and was coming to terms with having a lifelong condition when she was subjected to the humiliating treatment by the respondent. This was the first time she had told an employer that she was disabled and had hoped to be treated with dignity and respect, but this was not the case. The respondent, for reasons directly linked with her disability, questioned her work rate and commitment in a manner that the claimant found humiliating and did not support her when another member of staff carried out similar acts of

harassment. The claimant now needs medication and therapy for her mental health when she did not before starting work at the respondent.

50. I find that an award of £20,000 is appropriate, in the middle of the middle Vento band. This is subject to interest on the whole period since the discrimination. The discrimination happened from 25 March to 11 May, and I have taken the mid-point in the course of discriminatory conduct as 18 April 2024. The number of days between then and the date of the hearing is 677 days at 8% multiplied by £20,000, which is interest of £2967.67. the total award for injury to feelings is therefore £22967.67.

Taxation of the award – grossing up

51. The award is taxable as it is for losses arising on termination of employment (s401 Income Tax Earnings and Pensions Act 2003.). Any sums over £30000 are subject to income tax. Awards will be ‘grossed up’ by a tribunal where the sum to be received by the claimant will be taxed. The purpose is to place in the claimant’s hands the sum she would have held had she not been treated unlawfully, i.e. to compensate for the true net loss.

52. The total compensation is £45077.59. This will be subject to the payment of income tax on any amount over £30,000, that is £15077.59.

53. £15077.59 must be grossed up by the amount of income tax the claimant would have to pay on it. the claimant is currently unemployed, and it is assumed therefore that her tax rate will be 20%. £15077.59 grossed up by 20% is £18846.99.

54. The claimant’s total award is therefore £30000 plus £18846.99 = £48846.99. When the excess over £30000 is taxed at 20%, she will be left with her original award of £45077.59.

Approved by:

Employment Judge Barker

26 February 2026

Judgment sent to the parties on:

28 April 2026

For the Tribunal:

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Notes

Judgments (apart from judgments under rule 51) 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.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found at www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

ARTICLE 12

Case number: **6006960/2024**

Name of case: **Ms A Squelch** v **Mizzling Limited**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day, the calculation day, and the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 28 April 2026

the calculation day in this case is: 29 April 2026

the stipulated rate of interest is: 8% per annum.

For the Employment Tribunal Office