Case Number: 6011313/2024

EMPLOYMENT TRIBUNALS

Claimant: Mrs Simranjeet Kaur

Respondent: Kazper Restaurants Limited

Heard at: Cambridge in person **On:** 1 to 4 September 2026

Before: Employment Judge MJ Smith

REPRESENTATION:

Claimant: In person
Respondent: Mr A McPhail (counsel)

AMENDED RESERVED JUDGMENT

The judgment of the tribunal is as follows:

1. The complaint of harassment related to race is not well-founded and is dismissed.

2. The complaint of harassment related to religion is not well-founded and is dismissed.

3. The complaint of direct race discrimination is not well-founded and is dismissed.

4. The complaint of direct religious discrimination is not well-founded and is dismissed.

5. The complaint of victimisation is not well-founded and is dismissed.

REASONS

Introduction

1. This is a claim of direct religious discrimination, direct race discrimination, harassment related to race, harassment related to religion and victimisation. The claimant was employed by the respondent as a crew member from 10 May 2024 and her employment is continuing. The claimant was signed off sick from work with work related stress from about 8 August 2024. Since then she has been signed off sick from work apart form a period when she was on maternity leave. The claimant has not physically returned to work since 8 August 2024.

2. The claimant alleged that she was treated differently by colleagues and management at the respondent due to her race and/or religion, alternatively that she was subject to harassment related to race and/or religion and she was victimised for raising issues of racism namely that management had been racist to international students and foreign employees.

3. The claimant identifies her race as Indian/Asian (Punjabi) and her religion as Sikh.

4. The respondent is a McDonald's franchise restaurant providing sit in and take away food and drinks and includes a drive through section. The respondent stated that it had not discriminated against the claimant due to either her race or her religion, it had not harassed her related to her race or religion and it had not victimised her as a result of making a protected act. The respondent accepts that the claimant made a protected act on 2 July 2024 in that she raised allegations of racism by management towards international students and foreign employees.

The procedural background

5. The respondent made an application at the start of the hearing for the admission into evidence of the witness statement of Ms Taylor Millman. The witness statement was being provided one month after the date for exchange of witness statements had passed. The witness statement had been made available to the claimant who did not object to the application. Ms Millman was referenced directly in the list of issues and her evidence was relevant to those issues. The delay had resulted from the fact that Ms Millman no longer works for the respondent and has had personal issues over

the past few months which affected her ability to provide a statement sooner. I considered the overriding objective and the need to deal with cases justly and fairly. I allowed the application because the evidence was relevant, it related directly to the list of issues, the claimant had not objected and Ms Millman's evidence would assist the tribunal in its decision-making process.

6. The claimant made an application during the proceedings for one of her witnesses, Mr Abdul Rehman, to give his evidence via video. She made the application because Mr Rehman was unable to leave his job for an extended period due to the likelihood that his employer would terminate his employment. The respondent's representative agreed to Mr Rehman giving his evidence via video if his evidence only dealt with matters which were relevant to the list of issues. The respondent's representative identified the paragraphs relevant to the list of issues in Mr Rehman's witness statement. I considered the Presidential Guidance On matters relating to the mode and listing of hearings; remote participation in hearings; and electronic documents as part of my decision. Mr Rehman's evidence was relevant to issues in the claim and the respondent wished to challenge parts of his evidence. I allowed the application for Mr Rehman to give his evidence via video.

Law

7. Section 13 of the Equality Act 2010 states:

   13 Direct discrimination
   (1) 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.
   ....

   (5) If the protected characteristic is race, less favourable treatment includes segregating B from others.

8. Section 23 of the Equality Act 2010 states:

   23 Comparison by reference to circumstances

   (1) On a comparison of cases for the purposes of section 13, 14, 19 or 19A there must be no material difference between the circumstances relating to each case.
   …

9. Section 26 of the Equality Act 2010 states:

26 Harassment
(1) A person (A) harasses another (B) if—
(a) A engages in unwanted conduct related to a relevant protected characteristic, and
(b) the conduct has the purpose or effect of—
(i) violating B's dignity, or
(ii) creating an intimidating, hostile, degrading, humiliating or offensive environment for B.
…

(4) In deciding whether conduct has the effect referred to in subsection (1)(b), each of the following must be taken into account—
(a) the perception of B;
(b) the other circumstances of the case;
(c) whether it is reasonable for the conduct to have that effect.

(5) The relevant protected characteristics are—
age;
disability;
gender reassignment;
race;
religion or belief;
sex;
sexual orientation.

10. Section 27 of the Equality Act 2010 states:

27 Victimisation
(1) A person (A) victimises another person (B) if A subjects B to a detriment because—
(a) B does a protected act, or
(b) A believes that B has done, or may do, a protected act.

(2) Each of the following is a protected act—
(a) bringing proceedings under this Act;
(b) giving evidence or information in connection with proceedings under this Act;
(c) doing any other thing for the purposes of or in connection with this Act;
(d) making an allegation (whether or not express) that A or another person has contravened this Act.

(3) Giving false evidence or information, or making a false allegation, is not a protected act if the evidence or information is given, or the allegation is made, in bad faith.

(4) This section applies only where the person subjected to a detriment is an individual.

(5) The reference to contravening this Act includes a reference to committing a breach of an equality clause or rule.

11. Section 136 of the Equality Act 2010 states:

136 Burden of proof

(1) This section applies to any proceedings relating to a contravention of this Act.

(2) If there are facts from which the court could decide, in the absence of any other explanation, that a person (A) contravened the provision concerned, the court must hold that the contravention occurred.

(3) But subsection (2) does not apply if A shows that A did not contravene the provision.

(4) The reference to a contravention of this Act includes a reference to a breach of an equality clause or rule.

(5) This section does not apply to proceedings for an offence under this Act.

(6) A reference to the court includes a reference to—

(a) an employment tribunal;…

12. The statutory test as to whether treatment is less favourable is an objective one but the claimant's perception is likely to influence the tribunal's conclusion as to whether the treatment was indeed less favourable. In ***Shamoon v Chief Constable of Royal Ulster Constabulary*** [2003] UKHL 11 it was held that the tribunal must first consider whether the reasonable worker would or might take the view that the acts complained of amount to less favourable treatment. Once this has been satisfied the tribunal must take account of all the circumstances and determine whether a

reasonable worker might take the view that the treatment was to his or her detriment. It further held that an unjustified sense of grievance cannot amount to a detriment.

13. In ***Madarassy v Nomura International Plc*** [2007] EWCA Civ 33 it was held that the burden is on the claimant to prove the facts from which the tribunal could conclude, in the absence of an adequate explanation, that the respondent had committed an unlawful act of discrimination not that the respondent could have committed such an act.

14. Any detriment suffered by a claimant must be 'because of' a protected act as per ***Chief Constable of West Yorkshire Police v Khan*** [2001] UKHL 48.

The evidence before me

15. The tribunal was provided with a bundle for the final hearing provided by the respondent of 279 pages. There were witness statements from the claimant, Mr Saravdeep Singh, Mr Abdul Rehman, Mr Joseph Bruce, Mr Rahim Azim, Ms Pebbles Lungu, Ms Kerry Lonergan, Ms Jodi Alison and Ms Taylor Millman. The tribunal heard evidence from the claimant, Mr Saravdeep Singh, Mr Abdul Rehman, Mr Rahim Azim, Ms Pebbles Lungu, Ms Kerry Lonergan, Ms Jodi Alison and Ms Taylor Millman.

16. Having heard the evidence and read such documents as were referred to in the hearing bundle I made the following findings of fact.

My findings of fact

17. The claimant had the use of a Punjabi interpreter during the hearing and I gave no weight to this in making my findings of fact. I accept the claimant's right to use an interpreter to assist her in understanding legal proceedings.

18. I did not hear from Mr Bruce in person because the claimant was unable to contact him and secure his attendance at the hearing. I was provided with a witness statement attributed to Mr Bruce which had no name, was undated and did not contain a declaration of truth. Therefore, I gave this witness statement no weight because I was unable to verify who had made the statement or that the contents of the statement were true.

Harassment related to race and/or religion

(a) Pebbles Lungu, crew member of the respondent, said 'Police will catch you because of your Kirpan' to the claimant in the crew room on 16 June 2024

19. The claimant alleged that this conversation took place but Ms Lungu, in oral and written evidence, denied that the conversation had taken place. Ms Lungu denied that she had ever said the words 'Police will catch you because of your Kirpan'. The claimant's evidence regarding the date when this conversation was stated to have occurred was confused but she did conclude that it must have been 16 June 2024.

20. The list of issues gave the date when this occurred as 16 June 2024 but there was no record of the claimant making reference to this comment in her initial complaint dated 2 July 2024 (pgs 85-91), in her meeting with Mr Azim which occurred between 6 and 22 July 2022 (pgs 95-100) or in her formal grievance dated 8 August 2024 (pgs 108-110). The alleged conversation was first raised in the claimant's additional grievance on 26 August 2024 (pgs 126-130). There is no evidence in the contemporaneous notes from Mr Azim of this being raised as an issue and Ms Alison stated that this specific allegation was not raised although she did recall conversations with the claimant about Ms Lungu saying that she hated the claimant.

21. The claimant asked Ms Lungu how she would have known about the claimant's Kirpan because she, the claimant, kept it concealed at work. This directly contradicts the claimant's claim on this issue because the list of issues means that Ms Lungu must have seen the Kirpan in order to make such a comment.

22. I found that had the claimant raised this comment with either Ms Alison or Mr Azam, this would have formed part of the investigation at an earlier stage. I found that the claimant has not proved on the balance of probabilities that this comment did occur or that it occurred on 16 June 2024 because of the lack of contemporaneous recording of this comment prior to 26 August 2024.

(b) Rahim Azim, manager of the respondent, said 'This is not racism. You people do good work, that's why you get hard jobs' to the claimant in the grill/chicken station on 8 July 2024.

23. The claimant's evidence regarding the date and place of this incident was confused. The claimant then accepted that the conversation did not take place at the grill and/or chicken station but did occur in the office during the meeting with Mr Azim. I place little weight on the discrepancy in the date as Mr Azim could not confirm the date of the alleged meeting. The meeting must have taken place between 6 July

2024 (pg 107) and 20 July 2024 (pgs 95-100) because of the emails from Mr Buckley and Mr Azim respectively on those two dates.

24. The comment attributed to Mr Azim was not referred to by the claimant in her grievance dated 8 August 2024 or in her updated grievance dated 26 August 2024. The first time that these comments were identified by the claimant was in her further particulars to the tribunal dated 31 May 2025 (pgs 39-41). The large gap between the date that the claimant stated the comments were made and when they were first raised as a claim means that I have given the claimant's evidence on this matter less weight. The only contemporaneous notes of the meeting between the claimant and Mr Azim were made by Mr Azim. The first time that the notes have been disputed was when Mr Azim was questioned by the claimant at the hearing.

25. I found that this comment was not made by Mr Azim because the claimant would have raised it in her grievances on 8 and 26 August 2024.

(c) Taylor Millman failed to make adjustments and sent the claimant back to the same grill station after she received a burn injury from the grill station on 18 July 2024.

26. The claimant's written and oral evidence was that Ms Millman had not been present when the burn occurred and that the issue with a failure to make adjustments had occurred the day after the burn incident. This difference became apparent in the claimant's witness statement. The issue set out above is ambiguous and could be read in a way that suggests there were two different acts on two different days. Ms Millman accepted in her evidence that there had been a burn and that the claimant must have spoken to her about it and that she had suggested to the claimant that she run the burn under cold water which implies that this occurred on the same day. There is no evidence of any injury occurring to the claimant on 18 July 2024 in the accident book and Ms Lonergan stated, in answer to a question from me, that all incidents no matter how small are written into the accident book. Ms Millman accepts not having written anything in the accident book about the burn injury sustained by the claimant.

27. Both the claimant and Ms Millman accept that the claimant was not moved away from the grill station. The claimant stated that this was because Ms Millman refused to move her. Ms Millman stated that his was because the claimant refused to move. The claimant stated that the reason was to do with her race and/or her religion but no evidence was provided of this. The risk of a burn being sustained by an employee at the grill station was clearly high given the nature of the work. Ms Millman stated

that such burns were never so severe that they required more than running under water and that after doing so most people returned to the station where they had sustained the burn.

28. There was no suggestion that any failure to move the claimant only happened to her and not to any other employees who were white or not Sikh I found that any failure to make adjustments was not as a result of the claimant's race and/or her religion. I found that it was usual practice to return to the station where the burn had occurred if it was minor and required running under water.

(d) Taylor Millman, Manager of the respondent, rotating the claimant through five different stations and subjecting her to 'discouraging comments' at the respondent's Kettering Road branch on 31 July 2024 specifically that Ms Millman said the following:
'You are not strong enough'
'I can't trust you'
'I don't think that you are able to do this shift/work here'

29. The claimant stated that she had been moved through five different stations during her shift on 31 July 2024. Ms Millman stated that she had moved the claimant from one station to the chicken batch station. She stated that she was unaware of any prior moves and that she may have started her shift part way through the claimant's shift. I found that Ms Millman did move the claimant from at least one station to another.

30. Ms Millman stated that the reason for the move was operational and that she had moved the claimant from one station to another because the restaurant was starting to get busy and she required a more experienced staff member to take over from the claimant. The claimant has not produced any evidence that this was to do with her race and/or religion instead of an operational decision. I found that the claimant was unable to prove on the balance of probabilities that any move was due to her race and/or religion.

31. The claimant and Ms Millman agree that there was a conversation on 31 July 2024 which took place in the office. The claimant alleged that the above comments were made to her by Ms Millman during that meeting. Ms Millman denies making those comments and stated that the conversation was operational in nature and that she was explaining why the claimant had been moved to work on the chicken batch station. Ms Millman recalled that the claimant was unhappy with the move and that this was the subject of the conversation. The claimant during her evidence

expressed her unhappiness with working on the chicken batch station more generally. I found that the conversation which took place was about the claimant's unhappiness at being moved to work at the chicken batch station.

32. There was no context provided by the claimant of the comments she stated were made by Ms Millman such that it was difficult to ascertain the reason for those comments if they had been made. The claimant has not proved on the balance of probabilities that the comments had been made by Ms Millman.

33. If the comments were made, there was no context provided for why this was a result of the claimant's race and/or religion. I found that the claimant had not proved on the balance of probabilities that any comments, if they were made, were to related to her race and/or religion.

Direct race and/or religious discrimination

34. I considered the allegations in the alternative claim of direct race and/or religious discrimination.

    (a) Taylor Millman, Manager of the respondent, rotating the claimant through five different stations and subjecting her to 'discouraging comments' at the respondent's Kettering Road branch on 31 July 2024 specifically that:
    'You are not strong enough'
    'I can't trust you'
    'I don't think that you are able to do this shift/work here'.

35. For the reasons set out above I did not find that the treatment received by the claimant in being moved through one or more different stations was less favourable treatment as employees were often moved to stations in which they had more experience during busy periods at the restaurant. This was not challenged by the claimant.

36. If I am wrong then this treatment was a result of an operational decision by Ms Millman to deal with an increasing level of busyness in the restaurant rather than it being disadvantageous to the claimant specifically due to her race and/or religion.

37. For the reasons set out above I found that the claimant has not proved on the balance of probabilities that the comments had been made by Ms Millman.

(b) Refusing a change of hours of the claimant despite 'personal safety and housing issues' by the Store Management team of the respondent at the respondent's Kettering Road branch on 5 August 2024.

38. A change of hours request was made by the claimant on 12 July 2024 in a meeting with Ms Alison so that she did not continue working past 11pm. The accounts of this request differ with the claimant stating that her weekend hours were changed and Ms Alison stating that the claimant's weekday hours were changed. In any event, the parties agree that the request made on 12 July was granted.

39. There was a subsequent request made by the claimant for her hours to be changed because the claimant had recently moved to a house further away from the restaurant and was finding it difficult to obtain public transport late in the evening. The evidence from the claimant on this point was confused because it was unclear if she had made the request in a meeting with Ms Lonergan on 5 August 2024 or in a meeting with Ms Alison on 13 August 2024 but it definitely occurred before 19 August 2024.

40. The claimant stated in her evidence that she wanted her hours to be changed so that she finished before 8pm while still working full-time hours. Ms Alison accepted that this was the nature of the second request which was to finish before 8pm on Monday to Sunday. Ms Alison stated that she told the claimant she needed to consider it and could not give an immediate decision. Ms Alison then communicated her decision to the claimant via email on 19 August 2024 (pg 115) that due to business need the claimant's hours could not be changed.

41. I found that the respondent had refused the claimant's request to change her hours. I found that the claimant had not proved on the balance of probabilities that this was less favourable treatment. I found that the claimant had not proved on the balance of probabilities that this was to do with race and/or religion. Indeed, a previous request for a change had been granted.

(c) Not promoting the claimant to the role of crew trainer (despite applying) whilst other colleagues were promoted by the management team of the respondent on 10 August 2024.

42. The claimant accepted that she did not apply for the role of crew trainer at any point. There was evidence from both the claimant and Ms Alison that they had spoken about the claimant making such an application but evidence in the bundle of an email from the claimant (pg 103) dated 25 July 2024, showed that the claimant had

told Ms Alison that she would wait the required four months and would then make the application. The claimant stated in evidence that she had not applied because she had already been refused. The list of issues is specific in that the refusal took place on 10 August 2024 which happened after the email sent by the claimant stating that she would wait a further four months.

43. The evidence from Ms Alison and Ms Lonergan was that they had considered the claimant's expression of interest, had told her to look for the vacancy on the internal portal and had flagged the requirements to her. The claimant chose not to apply for the crew trainer role.

44. As this application never happened I found that a failure to promote the claimant after making an application did not happen on 10 August 2024 or at all.

(d) Jodi Alison refusing to allow a change of store/restaurant to one closer to home on 19 August 2024.

45. The claimant and Ms Alison accepted that a request was made by the claimant, in the week prior to 19 August 2024 (pg 124), to change her place of work from the Kettering Road branch to the Weston Favell branch. The claimant and Ms Alison accepted that there was no change to the claimant's place of work as a result of that request. The claimant had moved house at the end of July 2024 and wanted to work at Weston Favell which was nearer to her new address.

46. Ms Alison stated in her email to the claimant dated 19 August 2024 (pg 124) that the change had not occurred because there were no vacancies in the Weston Favell branch at the time. The only evidence regarding the lack of vacancies at that branch came from Ms Alison.

47. The claimant stated that she assumed that this was to do with her race and/or her religion because of the incident that she stated had occurred with Ms Lungu regarding her Kirpan. The claimant stated that it was the Kirpan incident which made her reconsider the treatment towards her and attribute it as being related to her race and/or her religion. The claimant asked Ms Alison about the Kirpan incident and said that this had been discussed with Ms Alison at the meeting between her and the claimant on 13 August 2024.

48. The Kirpan incident was first raised in the claimant's additional grievance on or about 28 August 2024 (pgs 126-130). The claimant put to Ms Alison that they had a

conversation about this incident prior to 28 August 2024. Ms Alison denied that any conversation about the Kirpan had taken place.

49. I found that the respondent refused the claimant's request to change branch. The claimant had not proved on the balance of probabilities that the request was due to her race and/or religion.

50. If I am wrong, I found that the reason for the refusal of the request to change branch was because there were no vacancies at the Weston Favell branch.

(e) Pebbles Lungu, crew member of the respondent, said 'Police will catch you because of your Kirpan' to the claimant in the crew room on 16 June 2024

51. For the reasons set out above I found that the claimant had not proved on the balance of probabilities that this comment happened.

(f) Rahim Azim, manager of the respondent, said 'this is not racism, you people do good work, that's why you get hard jobs to the claimant in grill/chicken station on 8 July 2024

52. For the reasons set out above I found that this comment did not happen.

Victimisation

Did the claimant make a complaint on 2 July 2024 to the People Services Helpdesk in which she made allegations of racism from management toward international students and foreign employees (pg 91)?

53. The respondent accepts that this amounted to a protected act within the meaning of section 27 of the Equality Act 2010. I found that the claimant's did make the complaint on 2 July 2024.

Did the respondent do following:

(a) Share the claimant's name with staff after the complaint was made and as a result management and colleagues attitude towards the claimant changed on 3 July 2024?

54. The claimant's evidence is that after making a complaint to the People Services Helpdesk on 2 July 2024 regarding allegations of racism against employees at the

Kettering Road branch, attitudes of her colleagues towards her changed from 3 July 2024. The claimant stated that this was a direct result of the complaint she made and that her name must have been leaked as she was being approached by colleagues regarding the complaint and the possible effect on the claimant of making the complaint.

55. Ms Alison stated that she only became aware of the complaint after the respondent had been notified of the complaint by the People Services Helpdesk via email on 4 July 2024 (pgs 89-91). It was not possible for anyone at the Kettering Road branch to have been aware of the complaint prior to 4 July 2024 and, as such, the attitudes of colleagues towards the claimant could not have changed on 3 July 2024 because of the complaint.

56. The complaint contained certain distinctive characteristics which identified the claimant as being the anonymous complainant. This included the fact that the complainant had recently transferred from a London delivery kitchen. Ms Alison was able to ascertain that it was the claimant from these distinctive characteristics.

57. Ms Lonergan stated in evidence that she had not shared the name of the claimant and that she had only become aware of the complaint shortly before Ms Alison spoke to the claimant on 12 July 2024. In any event, Ms Lonergan could only have been aware of the complaint, at the earliest, from 4 July 2024 and could not have shared the name of the claimant prior to that date.

58. I found that no one at the respondent could have shared the name of the claimant prior 4 July 2024. I found that the respondent had not shared the name of the claimant at all.

(b) Fail to make adjustments and sent the C back to the same grill station after she received a burn injury from the grill station on 18 July 2024?

59. The claimant stated that this treatment was as a result of her complaint made on 2 July 2024 to the People Services Helpdesk. She stated that her name had been leaked and that this had led to the treatment by her of Ms Millman as set out above. Ms Alison and Ms Lonergan gave evidence that they did not tell anyone about the complaint and would not have told anyone in management below the level of Ms Lonergan. Ms Millman stated that she was unaware of the complaint and had not been told about it.

60. There is no evidence to suggest that anyone had informed Ms Millman of the complaint and her behaviour cannot, therefore, be as a result of the claimant having made the complaint. I found that any failure to make adjustments was not as a result of the claimant making a complaint to the People Services Helpdesk on 2 July 2024.

61. While the conduct was unwanted by the claimant it was not related to her race and/or her religion but rather was an operational decision.

(c) Ignore the formal grievance filed by the claimant on 26 August 2024?

62. Ms Alison was made aware of a grievance dated 8 August 2024 and arranged a meeting with the claimant to discuss the issues raised. Ms Alisons stated that she had told the claimant in this meeting that Ms Lonergan would be conducting the investigation.

63. After this meeting the claimant filed a further grievance on 26 August 2024 raising additional issues. In an email dated 1 September 2024 from Mark Buckley to the claimant (pg 134) the claimant was informed that her grievance was already being investigated.

64. Meetings occurred between Ms Lonergan and various members of staff related to the grievance between 23 August 2024 and 25 September 2024 (pgs 117-119; 120-121; 132-133; 136; 156-158 and 137). The claimant was informed on 22 January 2025 that the grievance investigation was ongoing but had been paused pending her return to work. This occurred after tribunal proceedings had been started by the claimant.

65. I found that there was a lack of communication with the claimant about her grievance once she was on sick leave from the respondent. However, the evidence shows that the investigation had continued and that staff members were interviewed about issues related to the grievance. I found that the grievance was not ignored.

Conclusions

Harassment

Did the conduct take place?

66. For the reasons set out above the acts by Ms Millman of sending the claimant back to the grill station after she had received a burn injury on or around 18 July 2024 and moving the claimant through more than one station on 31 July 2024 had taken place.

Was that unwanted conduct?

67. For the reasons set out above this was unwanted conduct

Did it relate to the claimant's race (Indian/Asian (Punjabi)) and/or religion or belief (Sikh)?

68. For the reason's set out above I found that it was not related to the claimant's race and/or religion or belief.

69. I found that the claimant's claim of harassment related to race and/or religion was not well founded and is dismissed.

Direct race and/or religious discrimination

Did the respondent subject the claimant to the acts set out in paragraphs 29 to 46 above?

70. I found that the acts by Ms Millman of sending the claimant back to the grill station after she had received a burn injury on or around 18 July 2024 and moving the claimant through more than one station on 31 July 2024 had taken place

71. I found that there was a refusal by Ms Alison to change the claimant's hours in August 2024.

72. I found that there was a refusal by Ms Alison to transfer the claimant to the Weston Favell branch.

Did these acts above constitute less favourable treatment?

73. For the reasons set out above I found that the act by Ms Millman of sending the claimant back to the grill station after receiving a burn injury did not amount to less favourable treatment but was the usual practice at the restaurant.

74. For the reasons set out above I found that the act by Ms Millman of moving the claimant through more than one station on 31 July 2024 did not amount to less

favourable treatment but was the usual practice of the respondent during busy periods.

75. For the reasons set out above I found that the refusal by Ms Alison to change the claimant's hours in August 2024 did not amount to less favourable treatment but was a decision based on business need.

76. For the reasons set out above I found that the refusal by Ms Alison to transfer the claimant to the Weston Favell branch did not amount to less favourable treatment but was a result of there being no vacancies at that branch at that time.

77. I found that the claimant's claim of direct race and/or religious discrimination was not well-founded and is dismissed.

Victimisation

Did the claimant do a protected act?

78. For the reasons set out above I found that the claimant did a protected act.

Did the respondent do the things set out in paragraphs 49-60 above?

79. For the reasons set out above I found that the act by Ms Millman of sending the claimant back to the grill station after she had received a burn injury on or around 18 July 2024 had taken place.

By doing so did the respondent subject the claimant to a detriment?

80. For the reasons set out above I found that the act by Ms Millman of sending the claimant back to the grill station after she had received a burn injury on or around 18 July 2024 was not a detriment. This act did not occur because of the complaint made by the claimant on 2 July 2024.

81. I found that the claimant's claim of victimisation was not well-founded and is dismissed.

Approved by:

Employment Judge MJ Smith

Case Number: 6011313/2024

8 September 2026

Judgment sent to the parties on:

15 November 2026

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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/