



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Ms N Chung

v

Whisky 1901 Ltd

Heard at: London Central (in public, by video)

On: 12, 13, 16, 17 and 18 September 2024

Before: Employment Judge **P Klimov**
Tribunal Member **D Hill**
Tribunal Member **L Venner**

Representation:

For the Claimant: **Ms A Gatrell** of counsel

For the Respondent: **Mr B Coulter** of counsel

JUDGMENT

The unanimous judgment of the Tribunal is as follows:

- 1) The following complaint of direct sex discrimination is well-founded and succeeds:
 - Failure to uphold the claimant's grievance instead preferring the account of Mr Sidhu

The remaining complaints of direct sex discrimination are not well-founded and are dismissed.

- 2) The following complaints of harassment related to sex are well-founded and succeed:
 - Mr Sidhu locking the claimant out of the office in September 2022;
 - On/around 31 August 2022, Mr. Sidhu asking the claimant if she was planning on getting pregnant;

- Employees making derogatory comments about women such as “birds”; boasting of sexual conquests.

The remaining complaints of harassment related to sex are not well-founded and are dismissed.

3) The following complaints of victimisation are well-founded and succeed:

- On 14 November 2022, raising misconduct allegations and suspending the claimant from work for 5 months;
- Mr Sparkes disciplining the claimant without his attending the disciplinary hearing;
- Imposing a 12-month written warning when 6 months had been recommended; and
- Dismissing the claimant (by way of her resignation).

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

4) The claimant’s claim for breach of contract is well founded and succeeds.

5) The respondent has unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015 and it is just and equitable to increase the award payable to the claimant by **20%** in accordance with s 207A Trade Union & Labour Relations (Consolidation) Act 1992.

6) The respondent shall pay the claimant the following sums:

a. Compensation for financial losses:	£21,226.54
b. Compensation for injury to feelings:	£14,000
c. Uplift for failure to comply with ACAS Code:	£7,045.30
d. Interest on compensation for financial losses:	£1,749.29
e. Interest on compensation for injury to feelings:	£2,301.36
f. Sum to gross up the award:	£5,454.18

Total award (including interest and grossing up): **£51,776.67**

Employment Judge Klimov

18 September 2024

Sent to the parties on:

24 September 2024

.....

M PARRIS

.....

For the Tribunals Office

Notes

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.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. 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 here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>