



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Ms Da Silva

Respondent
NA Accountants Ltd (R1)
Smart Contractors Ltd (R2)

AND

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Birmingham **ON** 14 September 2017

EMPLOYMENT JUDGE Harding

Representation

For the Claimant: Mr Lovejoy, Legal Executive

For the Respondents: No attendance

JUDGMENT

1 The claimant's claim of direct sex discrimination contrary to sections 13 and 39(2)(c) and (d) of the Equality Act 2010 succeeds against R1.

2 The claimant's claim of harassment related to sex contrary to sections 26 and 40 of the Equality Act 2010 fails and is dismissed against R1.

3 The claimant's claim of direct race discrimination contrary to sections 13 and 39(2)(c) and (d) of the Equality Act 2010 fails and is dismissed against R1.

4 The claimant's claim of harassment related to race contrary to sections 26 and 40 of the Equality Act 2010 fails and is dismissed against R1.

5 The claimant's claim of victimisation contrary to section 27 and 39(4)(c) and (d) of the Equality Act 2010 succeeds against R1.

Note: written reasons will not be provided unless requested at the Hearing itself or in writing within 14 days of the sending of the written record of the decision, Rule 62(3).

6 The claimant's claim of automatically unfair dismissal contrary to section 103A of the Employment Rights Act fails and is dismissed against R1.

7 The claimant's claim of detriment on the grounds of having made a public interest disclosure contrary to section 47B of the Employment Rights Act fails and is dismissed against R1.

8 The claimant's wrongful dismissal claim succeeds against R1.

9 The claimant's claim of unlawful deductions from wages based on non payment of the National Minimum Wage succeeds against R1.

10 The claimant's claim for unpaid holiday pay on termination of employment succeeds against R1.

11 The claims against R2 are dismissed.

12 The case is listed for a remedy hearing to take place on 2 November 2017.

Employment Judge Harding
Dated: 14 September 2017

Judgment sent to Parties on

14 September 2017