



EMPLOYMENT TRIBUNALS

Claimant: Mrs E Weekes

1st Respondent: 100 Clifton plc (in liquidation)

2nd Respondent: Mr J Downey

3rd Respondent: New LM Ltd (in liquidation)

4th Respondent: Mr R Weakley

London Central: 6, 7, 8, 9 and 13 September and by CVP on 14 September 2021

Before: Employment Judge Nicolle

Representation:

Claimant: Ms B Zeitler of counsel.

2nd and 4th Respondents: Mr D Leach of counsel.

The 1st and 3rd Respondents did not appear and were not represented.

Judgement

1. The Claimant was employed by the 3rd Respondent following the transfer of her employment from the 1st Respondent pursuant to the Transfer of Undertakings (Protection of Employment) Regulations 2006 with effect from 1 January 2020. Therefore, all claims against the 1st Respondent fail and are dismissed.
2. The claims for constructive unfair dismissal and wrongful dismissal succeed against the 3rd Respondent.
3. The claim for an unauthorised deduction from wages in the gross sum of £34,000 in respect of the Claimant's bonus entitlement for 2019, due to be paid on or about 28 February 2020, succeeds against the 3rd Respondent.
4. The claim for an unauthorised deduction from wages in respect of the Claimant's holiday entitlement in the period 1 January 2020 until 25 May 2026 succeeds and the Claimant is entitled to the gross sum of £4,615.38 in respect of 12 days of untaken holiday.
5. The claims for sex discrimination, pregnancy and maternity discrimination under section 18 of the Equality Act 2010 (the EQA), sex-related harassment under s. 26 of the EQA and victimisation under S 27 of the EQA fail and are dismissed.

6. The claim for automatic unfair dismissal under s.99 of the Employment Rights Act 1996 on the ground that the reason or principal reason for the Claimant's dismissal was connected to her pregnancy and/or her impending period of statutory maternity leave fails and is dismissed.
7. The claim for an unauthorised deduction from salary in the sum of £5,833.33 in March 2020 fails and is dismissed.
8. All claims against the 2nd and 4th Respondents fail and are dismissed.

Reasons

1. Oral reasons were given to the parties on 14 September 2021.

Employment Judge Nicolle

14 September 2021

Sent to the parties on:

14/09/2021

For the Tribunal:

Note

Written reasons will not be provided unless 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.