



## EMPLOYMENT TRIBUNALS

**Claimant:** Ms EH Benson Rhodes

**Respondent:** Whitcomb & Shaftesbury (UK) Ltd

**London Central:** in person on 24-25 and by CVP on 26-27 April 2023

**Before:** Employment Judge Nicolle

**Non-legal members:** Mr T Cook and Ms D Keyms

### **Representation:**

**Claimant:** Mr Benson Rhodes (Claimant's father)

**Respondent:** Mr R Lassey of counsel.

## **Judgement**

1. The claims for direct disability discrimination under S 13 of the Equality Act 2010 (the EQA), discrimination arising from a disability under S 15 of the EQA, pregnancy and maternity discrimination under S 18 of the EQA, automatic unfair dismissal under S 99 of the Employment Rights Act 1996 (the ERA) and detrimental treatment under S 47C of the ERA fail and are dismissed.
2. The claim for ordinary unfair dismissal under S 94 (1) of the ERA succeeds.
3. The Claimant is awarded 4 weeks' pay for the period it would have taken to undertake a meaningful process of individual consultation and the Tribunal assessed the chance of the Claimant remaining employed following a meaningful process of individual consultation

at 25% and therefore applied a 75% reduction to the compensatory award pursuant to Polkey. The compensatory award is to be determined at a separate remedy hearing, if not agreed between the parties.

### Reasons

4. Oral reasons were given to the parties on 27 April 2023.

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**Employment Judge Nicolle**

**27 April 2023**

Sent to the parties on:

27/04/2023

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](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the Claimant(s) and Respondent(s) in a case.