



# 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

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For the Tribunals