**IN THE MANCHESTER EMPLOYMENT TRIBUNAL CASE NUMBER: TBC**

**BETWEEN:**

**MS LOUISA YORK**

**Claimant**

**AND**

**SLEARY CONFECTIONERY (MANCHESTER) LIMITED**

 **Respondent**

**GROUNDS OF CLAIM**

1. The Claimant was employed by the Respondent from 6 August 2008 until the termination of her employment on 9 September 2014.
2. The Respondent operates a business manufacturing confectionery, based in Manchester.
3. The Claimant’s job title was Line Operative. She worked on the production line icing various kinds of confectionery.
4. Around 18 months into her employment, the Claimant began to have problems with her supervisor, Mr James London. The Claimant requested an extended period of absence to travel with her friend across Europe. Mr London said that if she would “*go out”* with him, then he would agree to the request. The Claimant refused Mr London’s offer.
5. The Claimant overheard Mr London asking the Claimant’s colleagues whether she had a partner. When they replied that she did not, Mr London said something along the lines of: “S*he must be a lesbian then”*. Her colleagues later informed the Claimant that Mr London could not understand why the Claimant was not interested in him. This conduct was unwanted and related to the Claimant’s gender.
6. Mr London continued to make advances and suggestive comments to the Claimant throughout the course of her employment. This had the purpose or effect of violating the Claimant’s dignity and created an intimidating, hostile, humiliating and offensive environment her.
7. In December 2013, the Claimant was given a verbal warning by Mr London that the quality of her work had not met required standards, ruining a batch of products. Around this time, Mr Stephen Harrogate, Human Resources Manager, stood a short distance away from the Claimant on the production line, scrutinising her work and making notes. The Claimant found this to be intimidating.
8. The verbal warning was re-iterated in a letter to the Claimant, dated 9 December 2013. There was no disciplinary hearing. The Claimant was not told the date when her alleged lapse of standards had apparently ruined a batch of products. Additionally, the Claimant was not informed of the details concerning how her work had been sub-standard, or informed in what way her work should be improved. The Claimant did not consider that the standard of her work had significantly lapsed on any occasion.
9. In February 2014, the Claimant was given a final written warning for allegedly failing to follow an instruction from her supervisor, Mr London. The Claimant disputes that she did not follow Mr London’s instructions.
10. Mr London bore a grudge against the Claimant because she had previously refused his sexual advances and she believes that the warning she received in February 2014 was given in bad faith as a result of Mr London’s vendetta.
11. On 18 April 2014, the Claimant was asked to attend a disciplinary hearing. The hearing took place on 19 April 2014. In breach of the ACAS Code, the Claimant was given less than 24 hours of notice before the disciplinary hearing. The hearing was conducted by Mr Stephen Harrogate, Human Resources Manager. There was no investigatory meeting. Mr Harrogate was the investigator and the decision-maker. Mr London attended the disciplinary hearing. The Claimant was very disappointed that Mr London attended the meeting, given the history of his behaviour towards the Claimant.
12. During the disciplinary hearing, Mr Harrogate did the majority of the talking. The Claimant was not allowed to defend herself. Mr Harrogate stated that her work was not up to standard and she did not follow the instructions of her supervisor. The Claimant explained that the only reason she was in a disciplinary hearing was because Mr London did not like her due to rejecting his advances. The Claimant said that her work was of the same standard as it had always been and she had never been informed before that this had not been good enough. She said that Mr London had been victimising her.
13. By letter dated 20April 2014, the Claimant was informed she was being dismissed "with immediate effect". They said that they would be terminating the Claimant’s employment due to her “disruptive attitude”. Although the Respondent did allow the Claimant to work through her notice period, they did not offer her the right to appeal against her dismissal.
14. The Respondent's decision to dismiss the Claimant was not fair and reasonable in all the circumstances. The previous warning, upon which her dismissal was based, was issued in bad faith. The investigation into her alleged misconduct was unfair and she was not given an opportunity to challenge the basis of the dismissal. The outcome was predetermined, evidenced by the failure of the Respondent to offer the Claimant the right of appeal. The previous warning and the dismissal itself were connected to Mr London’s unwanted attention towards her, which amounted to sexual harassment. The Claimant claims that the dismissal was automatically unfair.
15. In the circumstances the Claimant contends that her dismissal was unfair and she seeks:

(a) compensation for unfair dismissal and injury to feelings;

(b) an uplift due to the Respondent's unreasonable failure to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures of up to 25%.