Issue: March & April 2025

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delivering effective solutions

eNewsletter

Welcome to our March & April 2025 eNewsletter – it's a bumper edition!

In this edition, we're delighted to provide details of our NEW Customer Service Excellence Programme – a four-part development journey designed to assess, strengthen, and embed customer service standards that align with your organisation's, values, behaviours, and strategic goals.

We also provide details of our benefits review service and the broad range of learning and development solutions we offer.

In addition, we include an overview of recent IOM and UK employment legislation changes, and our usual range of interesting employment tribunal summaries covering unfair dismissal, pregnancy discrimination, harassment, sexual harassment and victimisation.

We hope you find our eNewsletter of interest.

Please feel free to forward this to other colleagues.

To sign up to our mailing list email contact@SmartHR.co.im

NEW SERVICE LAUNCH
CUSTOMER SERVICE EXCELLENCE PROGRAMME

We're excited to introduce our NEW
Customer Service Excellence Programme
- a flexible, four-part development journey designed to assess, strengthen, and embed customer service standards that align with your organisation's values, behaviours, and strategic goals. Whether you're ready to embark on a full transformation or want to focus on priority areas, this programme is adaptable to your time, budget, and objectives.

🔹 Part One – Customer Service Excellence Assessment

"Temperature Check" of Current Standards

- A comprehensive audit of existing customer service practices
- Employee and customer feedback analysis to identify strengths and gaps
- A detailed report with key insights and actionable recommendations

Outcome: A clear understanding of where your service stands today and what is needed to enhance it.

🔹 Part Two – Defining & Developing Your Customer Service Excellence Workshop

Building a Bespoke Service Framework

- Define what exceptional service looks like for your organisation
- Develop service principles aligned with your values and goals
- Customise content for engaging, relevant team training

Outcome: A tailored framework that reflects your brand and organisational culture.

🔹 Part Three – Your Customer Service Excellence Training

Interactive & Practical Learning

- Engaging, high-impact training using real-world scenarios
- Equip staff with the mindset, skills, and techniques to excel
- Improve communication, problem-solving, and customer engagement

Outcome: A skilled, confident workforce delivering consistent, high-quality service.

🔹 Part Four – Review of Your Customer Service Excellence

Measuring & Embedding Long-Term Impact

- Assess training impact using feedback, performance data, and follow-ups
- Offer coaching, refresher sessions, or action planning
- Support lasting improvements and a culture of excellence

Outcome: Measurable results and a sustainable approach to outstanding customer service.

Want to know more?

Contact Natalie Cellamare, People & Culture Development Consultant to discuss how we can tailor the programme bespoke to meet your needs.

HAVE YOU ASSESSED YOUR ORGANISATIONAL LEARNING & DEVELOPMENT NEEDS FOR 2025?

Have you assessed your learning and development needs for this financial year?
If not, and you would like support in assessing your learning and development needs and creating a customised Learning and Development Plan, please contact us!

In addition, we can support your Learning and Development Plan via the delivery of a broad range of Smart Development Solutions including:

Essential HR for Line Managers Development Programme (5 x 4-hour workshops)
Introduction to Management (2 x 4-hour workshops)
Motivational Management and Leadership
Effective Appraisals & Objective Setting
Managing Absence
Managing Discipline & Grievances
Managing Performance
Effective Team Meetings
Effective Recruitment & Selection
Effective Team Meetings
Emotional Cycle of Change / Managing Resistance
Coaching & Feedback Skills
Negotiating & Influencing
Problem Solving
Effective Time Management
Delegation Skills
Neurodiversity in the Workplace
Managing Menopause in the Workplace
Menopause Awareness in the Workplace
Mental Health and Wellbeing Awareness
Mental Health & Wellbeing for Line Managers
Equality Awareness
Effective Hybrid Working

We can also create and deliver a bespoke development programmes. To discuss your development needs, please contact Natalie at natalie@SmartHR.co.im

IOM EMPLOYMENT LEGISLATION CHANGES - 1 APRIL 2025

From 1 April 2025, a number of changes to employment rights have been introduced and our team have been busy updating our clients' HR/employment documents in respect of the following:

Day one right to a written statement of employment particulars
All workers have a right to a 'written statement of employment particulars' i.e. a statement of the terms and conditions on which an individual is employed. From 1 April 2025, any new worker employed after that date must be provided with a statement from day one of employment.

Time off work for partners to attend ante natal appointments
There is already a right for pregnant women to have paid time off work for the purpose of receiving ante natal care. The new right is for a partner or birth partner to also have time off work to accompany a pregnant woman to an ante natal appointment. The partner of a pregnant woman will be entitled to time off on 2 occasions, on each occasion up to six and a half hours. The right is to time off without pay, though employers may opt to pay the employee for the time off.

Time off work to attend adoption appointments
An employee adopting a child on his or her own will be entitled to paid time off to attend 5 appointments, and up to six and a half hours on each occasion. An employee adopting a child or children with another person (i.e. joint adopters) may elect for one of them to take paid time off to attend up to 5 appointments, while the other may take unpaid time off to attend up to 2 appointments (of up to six and a half hours on each occasion). The time off work is for the purpose of having contact with the child, or for any other purpose related to the adoption.

Time off work to care for dependants
An employee will have a right to time off work to deal with an emergency involving a dependant in specific circumstances. The right is for a reasonable amount of unpaid time off for the situation.

Whistleblowing
A number of changes to the legislative framework for whistleblowing will also come into effect on 1 April 2025. These cover the introduction of a 'public interest' test for protected disclosures, the removal of 'good faith' requirement, vicarious liability, and interim relief.

IOM Minimum Wage Increase
IOM minimum wage increased on 1 April 2025 for 18 years and over from £11.45 to £12.25 per hour, and the youth rate (those over compulsory school leaving age but not yet 18) from £8.75 to £9.55 per hour.

If you haven't updated your HR documents to reflect the above changes, please contact one of the team and will be happy to assist.

FEMALE SALES ASSISTANT ASKED 'WHY DO YOU WANT TO WORK?' BY BOSS AWARDED £56K AT TRIBUNAL

Panel decides business owner's questioning was 'inherently sexist' and upholds claims for sex harassment and victimisation.

A part-time sales assistant at an antiques shop who was asked why she wanted to work by the business owner has been awarded more than £56,000 in compensation after the judge ruled the query was based on the "outdated idea" that men were the main breadwinners.

The Reading tribunal found that Mr Wellington asked Ms A Pereira a series of intrusive questions including why she wanted to work, what drove her so much in sales, why she needed the money, and about her husband.

Employment judge Annand said Wellington's questions were "inherently sexist" as they made Pereira feel she needed to "justify her need and desire to work".

The panel added these types of questions were inappropriate and reflected an "outdated idea that men are the main breadwinners in a house", adding that Wellington "would not even have thought to ask these questions of a male who wanted to work in the store".

As a result, the tribunal concluded that the questioning amounted to unwanted conduct linked to sex, which Pereira found to be both "intrusive and inappropriate".

Pereira succeeded in some of her claims for victimisation and harassment related to sex, and was awarded £56,022.34 in compensation, including for injury to feelings, unpaid wages and wrongful dismissal – as she was dismissed without pay or notice – as well as two instances of victimisation: being placed on garden leave and not being reinstated.

However, her claims for unfair dismissal on grounds of having asserted a statutory right, race discrimination and sex discrimination were not upheld.

Background
Pereira held a part time role as sales assistant at Windsor-based Wellington Antiques from October 2021 until 7 March 2023, when she was effectively dismissed.

While employed, Pereira said she was assured by owner John Wellington that she would be paid via PAYE, receive holiday pay and be enrolled in a pension scheme. However, these assurances were later disputed by both the company and Wellington.

Wellington informed the tribunal that Pereira hadn't been issued a formal contract of employment as she was still considered to be on probation, which he said had been extended.

On 18 November 2021, Wellington visited the shop accompanied by Ms Feather, his sister-in-law, who had been employed by the business but had transitioned to work in the company's jewellery division. The tribunal heard that on this occasion, Pereira provided Wellington with her bank details. During their conversation, Wellington asked her a series of "personal and intrusive questions".

Wellington wanted to know about Pereira's faith, stating that he and Feather were Catholics and reassured her that she could trust him. He then asked why she wanted to work and what "drove" her in sales.

Pereira responded by explaining her family situation, relationship and financial situation. She also testified that Wellington pressed further, asking "why she needed the money" and asked her about her husband.

The panel accepted Pereira's version of events because she kept a diary at the time, and from that diary, she typed up the notes which appeared in tribunal supplementary bundles.

On 3 December 2021, Wellington and Feather visited the shop again. Pereira told the tribunal that, on this occasion, she was given what she referred to as "skeleton terms of employment".

The tribunal heard that the document related to matters such as the sales protocol, security, staffing and conduct, as well as other practical matters, but made no reference to pay.

She then told the tribunal that she "opened up" to him about how difficult she found finding work given her age and ethnicity [Pereira is of south Asian heritage]. Wellington responded with the remark "Black and gays have it worse", which she felt "invalidated her experience".

The tribunal also heard that, at this point, Pereira had not been paid, which continued until March 2022.

On 1 March 2022, Wellington and Feather returned to the antique shop and handed Pereira £1,300 in cash as a payment towards her wages.

Pereira informed the tribunal that she asked about an itemised pay slip, PAYE, National Insurance and pension contributions. Wellington replied that these matters were being handled by HMRC and stated that she had "no right to a contract until he deemed it ready".

The tribunal noted that although Pereira had received this payment towards her wages, there was still a shortfall in what she was owed.

Pereira further stated that other employees, including Feather, were paid monthly and through PAYE, while she and another employee were not. She learned from speaking with the other employees that they too were being paid "sporadically, randomly or not at all".

On 21 June, Pereira and Wellington had a discussion regarding a sales target. Pereira told the tribunal that she was set the target of selling £12,000 worth of goods over a two-month period, with the agreement that if she achieved this target, she would receive a £2,000 commission.

She was told that meeting this target would be a way to prove herself and that it would supplement her pay. However, on 12 July, when Pereira had already exceeded the sales target and they met to discuss it, Wellington refused to pay her the agreed commission.

During a “heated discussion” in which she raised the issue of the unpaid bonus, Pereira testified that Wellington accused her of "overwriting" other people's sales. She said that Wellington then shouted at her, saying, “If you don’t like the terms of pay, get out.”

Pereira explained that she became upset and began to cry, at which point Feather suggested they speak in private. She further stated that Wellington insisted they go to speak about the matter privately, but she refused, responding, “No, I cannot go with you as you intimidate me.” Pereira also testified that Wellington shouted at her again, saying, “if you don’t want the job on my terms, you can leave”. Distressed, she then left the shop.

On 29 July, Pereira sent Wellington a lengthy text message which said: “I never would have achieved your sales target of £12,000 in two weeks without divine intervention…I continue to do my very best for you and your company though you talk to me as if I was the dirt on your shoe.” In the next message, she noted: “I was seeking like minded people who might share my passions and we could together make a sustainable living… but maybe I am not masculine enough, not pliable enough, not white enough, not submissive enough…”

On 5 September 2022, Pereira sent a text message to Ms Gosney, also employed by Wellington jewellers, to say she felt “under considerable stress” as a result of the failure to pay her. She also stated that she had achieved the target of £12,000 that Wellington had set for her within two weeks, but no commission payment had been received.

On 28 October, Pereira visited her GP, who later wrote a letter on her behalf. The letter stated that Pereira had reported experiencing stress at work and anxiety, which was causing palpitations. It also mentioned that Pereira had informed the GP that she had not been paid for three months.

The following day, Wellington’s father, Mike Wellington, who also worked at the shop, advised Pereira to consult a solicitor, stating that he had done all he could to help her receive payment.

On 2 November, Pereira sent a text message to Wellington, formally raising a grievance about her treatment in comparison to her colleagues. She also expressed that she had been "ignored, bullied and intimidated" when she asked for what she described as "basic human and work rights”.

On 9 January 2023, a letter from a law firm representing the respondents stated that Wellington was “grossly offended" by the allegation of race discrimination. She was then asked to go on garden leave on the same day.

On 23 February, she submitted a grievance to the company, however, it failed to address the grievance, and by early March, Pereira concluded that she had effectively been dismissed.

The tribunal heard that, although Pereira could not recall the exact date she considered herself dismissed, her solicitor had requested her wages up to 7 March 2023. The tribunal concluded that by that specific date, both parties considered the employment “relationship” to have ended.

Thanks to Mahalia Mayne and People Management for the tribunal summary.

WHAT DO YOUR EMPLOYEE BENEFITS SAY ABOUT YOUR ORGANISATION?

Throughout my career, I've encountered a wide range of employee benefits across different industries and company sizes. The variation is often surprising. At SmartHR, we help our clients enhance workplace culture, and a key starting point is a benefits review. This review provides an opportunity to assess whether current benefits meet the needs of today's workforce and future-proof them for evolving expectations. Many organisations stick to traditional offerings without considering the five generations in the workplace or the diverse cultures they now embrace. But are those benefits truly inclusive? We can't please everyone, right? Or can we?

The Top 10 Trends in Employee Benefits Over the Last 12 Months

- Lack of Annual Reviews for Private Health Providers – Many organisations overspend on services that go unused or no longer meet employees' needs.
- Overlooking Exit Interview Data – Are employees leaving for better benefits elsewhere? Understanding their reasons can highlight gaps in your offerings.
- No Wellbeing Initiatives – Supporting mental health boosts morale and reduces sickness. Some leaders believe wellbeing programs are costly and time-consuming — FALSE!
- No Volunteer Days – Giving employees time to contribute to the local community creates powerful, positive engagement. Is your workplace missing out?
- No Shower Facilities – Encouraging employees to cycle to work or exercise at lunchtime promotes a healthier, more energised workforce.
- Poor Communication – Employees often forget or are unaware of the benefits available to them. Regular reminders and clear access are essential.
- Non-Ergonomic Workplace Furniture – Workspaces must evolve to support modern ergonomic needs and employee comfort.
- Insufficient First Aiders – Some workplaces don't have enough trained first aiders, and in many cases, certifications have expired.
- Lack of Mental Health First Aiders – Mental health is just as important as physical health, yet many organisations still fall short in providing adequate support.
- Limited Inclusion & Diversity Initiatives – A truly inclusive workplace goes beyond hiring practices; it involves continuous education and development.

Does Your Workplace Reflect These Challenges?

If any of these points resonate with you, it might be time for a conversation. At SmartHR, we offer consultations, benefits reviews, and tailored recommendations to enhance workplace culture—ensuring your benefits remain relevant, competitive, and inclusive. To find out more or schedule a benefits review for your organisation, please contact Natalie at natalie@SmartHR.co.im

Let's build a workplace where everyone thrives.

PREGNANT CONSULTANT FIRED BY TEXT MESSAGE CONTAINING 'JAZZ HANDS' EMOJI WINS OVER £93K AT TRIBUNAL

Judge ruled claimant's dismissal was due to pregnancy-related illness, stating the employer's 'vague' message was an intentionally 'obscure' way to sack her.

A pregnant consultant who was dismissed by a text message containing a 'jazz hands' emoji after requesting to work from home due to morning sickness has been awarded more than £93,000 in compensation.

An employment tribunal heard that Paula Miluska, who began working for Birmingham-based Roman Property Group Limited in March 2022, received a "vague" message from her boss, Ammar Kabir, while she was off sick, stating that the company was struggling and needed someone physically present in the office.

The message came after Ms Miluska, who was pregnant, had asked for remote working arrangements due to feeling unwell with morning sickness.

When informing her of the dismissal, Mr Kabir sent a message concluding with the words, "I hope to see you soon we've got a lot of catching up to do outside of work", followed by a jazz hands emoji, which typically conveys enthusiasm or excitement.

Ms Miluska subsequently took legal action against the company and was awarded £93,616.74 in compensation after the judge ruled that her dismissal was unfairly linked to her pregnancy.

Background

Ms Miluska started her role as an investment consultant at Roman Property Group Limited in March 2022.

She discovered she was pregnant in October that year, and by November had begun experiencing morning sickness.

The panel heard evidence of a message that Miluska sent to her line manager Mr Kabir when she needed to leave work early because of the "increasing nausea" she had with her pregnancy.

Miluska told her boss that she felt "really faint", was "shaking," had "cold sweats," and felt "horrible".

She told Kabir of her pregnancy and explained that she felt this way due to morning sickness.

The following day, she sent him a text which said: "The midwife was saying that at the moment if I can work from home it'll be best as these next two weeks are usually the peak of pregnancy nausea due to hormones. "Also she mentioned that when I go back to work you need to do a health and safety assessment? I'm not sure what that is."

The tribunal noted that no further messages were exchanged between them until November 26, when Kabir checked in to ask how she was feeling.

Miluska responded, stating that she felt "horrendous", adding: "I don't understand why it's called morning sickness when it hits you all day every day." Kabir replied the following evening and asked Miluska if she could go to the office for a couple of days the following week "and finish like 4 so it's not too much."

The tribunal determined that this request was not unreasonable, as Kabir was preparing to leave for a holiday.

In response, Miluska said: "Oh gosh I was about to message you about taking the week off. I was sick 6 times today and if it doesn't ease up within the next few days I'm going to have to be admitted to hospital...

"I don't think I'll even be able to work from home, never mind the office. So sorry I can't support you right now, I feel bad."

Kabir did not respond to her message until 1 December, when he wrote: **"Hey hope ur OK u probably guessed by now will need to try and find someone to be in the office as we're falling behind on work I just want to say I hope you don't take it personally or see us as bad but we are really struggling. Aside from this, personally I'm going to try and see what other opportunities are there I can get you through the door for just message me when you're feeling better. Romaan said he's going to clear the days you did so up until the 21st that will be with you today. Hope to see you soon. We've got a lot of catching up to do outside of work [jazz hands smiley]."**

Panel's comments

Employment Judge Garry Smart stated that it was "objectively clear" the message was terminating Miluska's employment. The tribunal noted that since her wages stopped immediately after the message was sent, this was no coincidence, but rather a "clean break" by the employer. The panel determined that the wording and tone of the message indicated dismissal, particularly the reference to "other opportunities" and the suggestion that she reach out when she was feeling better. In response, Miluska, who also works part-time as a model, expressed confusion about what was happening. She pointed out that she had been working remotely as agreed despite experiencing severe morning sickness and had even secured a new allocation for the company. Miluska questioned why she was suddenly being fired and insisted she should be paid for all her remote work, sick days, and commission.

After 1 December, she received no further salary. Kabir attempted to argue that she had not been dismissed, but the tribunal rejected this claim. The panel noted that Miluska was "bewildered" as to why someone she had considered a friend would treat her in such a manner. Judge Smart determined that the bad news had been delivered in an intentionally obscure way. The tribunal concluded that Miluska had been dismissed due to her pregnancy-related illness, which had resulted in her absence from the office.

Her claims of pregnancy discrimination and unfair dismissal were upheld, and she was awarded £93,616.74 in compensation.

Thanks to People Management for the tribunal summary.

NHS NURSE LEFT OUT OF TEA ROUND AND IGNORED IN MEETINGS AWARDED £41K BY TRIBUNAL

Judge finds claimant was constructively unfairly dismissed after hospital trust's failure to take 'adequate action' against colleague's behaviour.

A diabetes nurse specialist who was left out of tea rounds, ignored when presenting in meetings and accused of bullying by a colleague was constructively unfairly dismissed, a tribunal has ruled.

The London South tribunal heard that after a disagreement over how to respond to a patient emergency, Abdool Nayeck's behaviour "became noticeably dismissive" towards Sue Hamilton, and he began treating her differently to other members of the team.

Hamilton resigned after the respondent, Epsom and St Helier University Hospitals NHS Trust, failed to implement recommendations made after a grievance appeal hearing.

Employment judge Ramsden said: "The respondent failed – over a number of years – to take adequate action in relation to Mr Nayeck's behaviour, including when the claimant was made unwell because of the stress that caused.

"The claimant's evidence of the impact that had on her was powerful: she was a gifted nurse who loved her job, and she was immensely distressed to have found herself in a situation where she could not do it."

The tribunal ruled that Hamilton was clearly "justified in treating the employment contract as repudiated by the respondent by its conduct", ordering the hospital by consent to pay her £41,000.

Background

Hamilton began working for Epsom and St Helier University Hospitals NHS Trust as a diabetes nurse specialist on 8 October 2012, while Nayeck joined the department in September 2017 as a diabetes specialist dietician. Both had the same line manager, Sarah Jupp, and worked together in the same team.

On 28 September 2018, Hamilton and Nayeck had a disagreement about how to respond after a patient who had experienced severe 'hypos' – episodes of low blood sugar – collapsed at home.

Hamilton met with Jupp and Andrew Rodin, the respondent's clinical lead for diabetes, regarding the incident. They confirmed her clinical assessment had been correct rather than Nayeck's, and said the incident showed a learning issue that needed to be addressed with him. Jupp and Rodin assured the claimant they would be taking steps to deal with this.

Additionally, Jupp said it would be helpful if Hamilton could apologise to Nayeck for the tone she had used towards him, which she did.

However, from this point onwards, the claimant said Nayeck's behaviour towards her became "noticeably dismissive", and he would treat her differently to other members of the team; for example, by ignoring her morning greetings and facing the other way when she presented in meetings.

Hamilton also complained to Jupp that Nayeck had stopped making tea for her when he was making it for the rest of the team. Jupp told the tribunal that, as far as she was aware, this was then resolved; however, the claimant disagreed.

Hamilton owned a copy of The Carbs and Cals Book, which the trust's diabetes department also had around 10 copies of. The claimant mislaid her copy of the book, in which she had written her name in pencil inside the front cover, in January or February 2019. She asked the rest of her team, including Nayeck, if they had seen it – but no one had.

In April, Hamilton found the book in a cupboard Nayeck used for storing some of his own books and documents. Her name had been rubbed out, and Nayeck's name had been written over the indentation in his handwriting.

On 8 May, Hamilton received an email from a patient about advice they had been given by Nayeck, expecting him to follow up with them. Nayeck argued she should have just responded herself rather than forwarding the patient's questions to him. Jupp held a meeting with Hamilton and Nayeck on 17 May to discuss this incident.

According to Jupp's meeting notes, Nayeck "became quite personal towards Sue" and said that "he did not like her and felt she did not ask him to do things in an appropriate way".

On 28 May, Jupp met with the respondent's HR team and then referred the matter to formal mediation; however, there was considerable delay before the mediation took place. Hamilton told the tribunal Nayeck continued to act antagonistically and aggressively towards her in the following couple of months.

The mediation took place on 17 December. Hamilton said: "From the outset of the meeting [Mr Nayeck] was dismissive of me, stating again that he did not like me and was not interested in meaningful resolution."

Following the mediation, Hamilton and Nayeck signed a document setting out four points of agreement, which included agreeing to "communicate in a civil manner with each other at work".

Hamilton told the tribunal: "The only change that occurred from [Nayeck's] side is that he no longer made drinks for the team in the morning so by extension I was no longer specifically excluded in that regard. There was no follow up to the mediation, no date to review progress and [Jupp] was not involved in the process."

On 2 July 2020, Nayeck emailed Rodin and Jupp, saying he had been bullied at work by the claimant for two years. He then wrote a letter including 10 separate allegations about the claimant's behaviour to Dionne Siley, the trust's people business partner, on 14 July.

On 28 August, Jupp recommended that the complaint be investigated as a disciplinary matter concerning Hamilton. When Jupp was interviewed as part of the investigation on 22 September, she said: "It is a clash of personalities – not malicious."

Hamilton submitted written evidence to the investigation team responding to the allegations, stating: "This whole situation with him has been both stressful and upsetting and I don't think I have been protected from what is amounting to his bullying tactics."

On 1 December, Hamilton was told the investigation found there was no case to answer, but that aspects of her behaviour could have contributed to Nayeck feeling bullied. She said she became very upset hearing this, as she was not told what behaviour this referred to. In addition, she told the tribunal: "There was no discussion regarding the concerns I had raised… about his behaviour towards me."

Hamilton saw her GP on 10 December, and she was signed off sick because of stress.

After a short period working as a healthcare assistant on a Covid-19 ward, Hamilton returned to the diabetes inpatient team on 14 January 2021.

On 26 February, Hamilton emailed Jupp and Whelan, stating: "It does not appear that the trust is taking my concerns about Abdool's intimidation and targeted behaviour seriously.

"Despite the fact that this formal process has gone on for eight months I am still left feeling vulnerable, targeted and concerned for my safety and wellbeing at work."

On 30 March, Hamilton had a meeting with Sarah Connor, deputy head of nursing, and Jupp, who shared a draft action plan to "support improved professional relationships" between the claimant and Nayeck, with a review set to take place after six months. Hamilton said she still did not know which aspects of her behaviour needed to change.

On 23 April, the investigation outcome letter was finally sent to Hamilton, nearly five months after the oral outcome.

Hamilton submitted a formal grievance to the respondent on 16 June, making complaints including that the respondent had tolerated targeted and abusive behaviour towards her by Nayeck, and failed to follow its 'respect' policy by not informing her of the nature of the criticisms that were being made about her behaviour in the investigation outcome.

Following a grievance hearing, the claimant was informed on 6 August that the grievance was partially upheld. Among the recommendations were that Jupp and HR review the working relationship between Hamilton and Nayeck and that a "behaviour contract" was established between them and regularly reviewed.

On 18 August, Hamilton was again deemed unfit to work by her GP as a result of work-related stress, and she never returned to work at the trust.

The following day, Hamilton appealed the grievance outcome. The grievance appeal hearing took place on 5 October.

The appeal was upheld, with the recommendation made that "everything that can be done to support [Hamilton] becoming ready to return to work needs to be put in place", stating that a senior nurse from outside of the management team should be appointed to oversee this.

Hamilton resigned on 5 January 2022, stating that this was because of "a breach of contract by the trust as a result of a total breakdown of trust and confidence" and that she considered herself "constructively dismissed".

"I have tried to resolve the issues of concern through the grievance procedure, which, on appeal, was upheld," Hamilton said. "As far as I am aware, however, no action has been taken on the outcome plan [...] despite following this up both personally and through the RCN with both my line manager and HR.

"The apparent condoning by the trust of not following policies or procedures and cruel bullying behaviours is a clear breach of contract and makes my position untenable. The situation I have been put in by the trust has caused both significant stress and anxiety for which I have had to seek professional ongoing help.

"This has been a direct consequence of the actions of and poor management by the trust."

Judge's comments

Employment judge Ramsden said: "This was not, as the respondent's counsel suggested, just a common situation where not every employee in a team gets on with each other. It was significantly more than that, as was acknowledged by the respondent at times, even if that acknowledgement was not followed through by decisive action to change things."

Ramsden said that the failure to implement the grievance appeal panel's recommendations was "very likely to destroy or seriously damage the relationship of confidence and trust between employer and employee", adding: "That relationship was hanging by a thread." "A nurse who had worked for the respondent for more than nine years had been brought to such a state of stress, distress and poor health by the respondent's failure to respond to Mr Nayeck's behaviour and to act on the grievance appeal panel's recommendations that she could not take any more."

Ramsden found Hamilton was unfairly constructively dismissed, saying: "This is clearly a case where the claimant was justified in treating the employment contract as repudiated by the respondent by its conduct."

Lawyer comments

"This case is a classic example of constructive dismissal where there is an accumulation of incidents towards someone, the employer doesn't do enough to address it and the victim feels that they have no choice but to resign," explained Nicola Brown, partner at Mayo Wynne Baxter.

"The fact that the case referred to things like being excluded from the tea round makes it sound as if the claim was about minor or petty issues, but from reading the Tribunal's decision it is clear that this was just one part of her colleague's campaign of behaviour towards Mrs Hamilton, which had continued over several years and had a significant impact on her as a long-serving member of staff."

Thanks to Isabel Jackson and People Management for the tribunal summary.

NEW UK EMPLOYMENT LEGISLATION: NEONATAL CARE LEAVE & NEONATAL CARE PAY

The UK Government has introduced the new right to neonatal care leave and pay with effect from 6 April 2025 when the Neonatal Care (Leave and Pay) Act 2023 cames into force.

Neonatal Care Leave applies to parents of babies who are admitted into neonatal care within the first 28 days after birth and who require a continuous stay in hospital of 7 full days or longer.

The new legislation allows eligible parents to take up to 12 weeks of leave on top of any other leave they may be entitled to, including maternity and paternity leave.

Alongside the leave entitlement, Statutory Neonatal Care Pay will be available to those who meet continuity of service requirements and a minimum earnings threshold.

In order to qualify for Statutory Neonatal Care Pay, an employee must be employed for a minimum of 26 weeks prior to the leave being requested, and be earning an average of at least £123 a week. This mirrors the entitlement to Statutory Maternity Pay.

Neonatal Care Leave must also be taken in the first 68 weeks of the baby's birth.

UK employers should ensure that their HR policies and payroll systems are updated to comply with this new legislation.

If you would like support in updating your HR policies / Staff Handbook, please contact one of the team.

CHANGES TO UK STATUTORY MATERNITY, PATERNITY, SICK PAY AND MINIMUM WAGE RATES - APRIL 2025

The 2025-26 rates for statutory maternity, paternity, adoption, shared parental and sick pay have been published by the government.

The new rates took effect on 6 April 2025.

Statutory maternity, paternity, adoption and shared parental pay will go up nominally from £184.03 to £187.18 a week.

The earnings threshold for these payments – except for maternity pay – will also go up from £123 to £125 a week. The threshold for maternity allowance will remain at £30 per week.

Statutory parental bereavement pay, paid to individuals who need to take time off work if their child dies or there is a stillbirth, will also go up to £187.18 a week.

Statutory sick pay will rise from £116.75 per week to £118.75.

Under the proposed Employment Rights Bill, sick pay could soon be payable from the first day of being ill, but this will likely not be in effect by next April.

As announced in the autumn budget, employees on carer's allowance will see their weekly earnings threshold rise from £151 per week to £196, and the weekly payment will go up from £81.90 to £83.30. This means they can work up to 16 hours per week on the national minimum wage alongside caring responsibilities.

From 1 April 2025, UK minimum wage has increased to:

- Age 21 and over - will rise from £11.44 per hour to £12.21 per hour
- Age 18 to 20 - will rise from £8.60 per hour to £10.00 per hour
- Apprentices - will rise from £6.40 per hour to £7.55 per hour

NURSING HOME ADMINISTRATOR DISMISSED AFTER TAKING CAT TO THE VET DURING SHIFT WINS £27K AT TRIBUNAL

Panel finds employer exhibited 'cavalier' approach to disciplinary actions after claimant was accused of fraudulently completing timesheets.

An administrator at a nursing home has won more than £27,000 after being unfairly dismissed following allegedly fraudulently completing timesheet entries.

The Edinburgh tribunal heard that Mrs L Murray was fired for falsifying timesheets to claim unauthorised overtime. This issue first emerged when the deputy manager questioned whether Murray had clocked in or out during a visit to the vet during working hours.

The care group owner reviewed Murray's timesheets and found she regularly worked beyond her 35-hour contract without informing head office, and reduced her pay by "pinging back" her recorded hours without discussing this with Murray.

Murray was then later accused of fraudulent activity and falsification of timesheets. She was suspended pending an investigation and dismissed after a disciplinary hearing.

The panel concluded that the nursing home failed to follow a fair procedure at "every stage of the process". The investigation into Murray's timesheets was also "fundamentally unfair", and the nursing home was found to have a "cavalier" attitude towards the disciplinary procedure.

It also noted that Murray consistently clocked in and out, was paid for those hours, did not hide anything from the nursing home and was never told her actions were "inappropriate". As a result, the panel concluded that Murray was wrongfully dismissed.

Background

Murray worked as an administrator at Astley House Nursing Home in North Berwick – one of six homes owned by a group company – from 6 January 2019 until her dismissal on 3 July 2024.

The nursing home operated a fob-based system for recording clock-in and clock-out time – a method unfamiliar to Murray in her prior roles. A paper system was also used whereby staff were required to sign in and out of the building.

During the pandemic, Murray was regularly required to work additional hours due to a "substantial" increase in administrative work, and the tribunal confirmed that she was paid for all the additional time worked.

Before this period, when Murray's recorded hours were in excess of her 15 contractual hours, her hours were "snapped back" to her contractual hours unless they had been authorised by her manager or head office.

One of Murray's duties included submitting staff hours to head office for approval. She was required to check that staff had worked their contractual hours, and if they exceeded them without authorisation, would "ping back" the excess hours to prevent additional payment.

The tribunal heard that Murray couldn't "ping back" her own hours or those of the manager or deputy manager, while a system upgrade allowed her to modify these timesheets, she was instructed not to do so and did not alter them.

On 9 March 2022, Ms Chohan, the director and sole shareholder of Astley House Nursing Home and group companies, emailed Murray and the home manager Ms Steele, regarding a review of timesheets and recognition of extra work during Covid.

She requested a return to a 35-hour workweek, with overtime requiring prior approval from Ms Ergun, who handled payroll at the group's headquarters.

On 5 May, Chohan sent an email to Steele, informing her to "keep an eye on" Murray's hours to ensure she was kept at 35 hours.

However, the tribunal heard that Steele "did not at any stage" monitor or review Murray's hours after the 9 March email, and there was no subsequent discussion with Murray about the hours she worked.

In June 2024, the deputy manager questioned Steele about Murray taking her cat to the vet during work hours, prompting Chohan to review Murray's timesheets. This revealed that Murray had been working beyond her contracted hours.

The tribunal heard that Chohan instructed Murray's hours for June 2024 pay period to be 'pinged back' to her contracted hours, but did not discuss this with Murray in advance of issuing the instruction.

On 19 June, Murray rang Steele, stating her hours had been 'pinged back' for that pay run. Unaware of the adjustment, she assumed her hours had simply been reset to the contractual amount. The tribunal noted that Steele knew Chohan was reviewing Murray's timesheets after their earlier conversation but did not inform Murray.

On 21 June, Chohan phoned Murray to tell her that she was being investigated for "unauthorised additional hours, fraudulent activity and falsification of timesheets" and alleged misuse of trust in her role as administrator.

The panel noted that it was Chohan herself who formulated these allegations and initiated the investigation. However, the tribunal heard that due to poor reception, Murray could not hear the entire conversation and was "shocked" by the allegations. She received no prior notice of the call or the investigatory meeting.

During the 15-minute call, Murray maintained that she did not alter her timesheets and explained that she was unable to verify any information about her hours because she couldn't access the system. At the end of the call, she was informed that she was being suspended from work and instructed to hand her keys over to a maintenance employee.

Chohan then appointed Ms Duffy – who was responsible for all HR matters in the group company and reported directly to Chohan – to conduct a disciplinary hearing.

On 28 June, Murray attended the disciplinary hearing. Murray explained that "she didn't do her timesheets," and that these were done by head office.

She also said she had difficulty hearing Chohan on the call on 21 June and that she offered to pay back any hours which she had been paid for which were not authorised.

In response to an allegation that she had increased her hours following a period of annual leave, Murray explained that she had done so to make up time and had discussed this with Steele.

She further clarified that she had not altered her hours and had been working extra time because it was "difficult" after Steele reduced her hours, and no jobshare for the manager role had been found, with the deputy manager stepping up to assist.

The tribunal heard that all of this resulted in an "additional burden" being placed on Murray and an increase in her workload.

However, the issue was not investigated by Duffy.

On 3 July, Murray was dismissed with immediate effect. She appealed her decision on 9 July, requesting a "complete breakdown of the time reimbursement for as soon as possible," but the tribunal heard that no breakdown was ever provided.

On 23 July, Murray's appeal hearing took place, but her appeal was dismissed in a letter dated 24 July. The tribunal noted that the letter did not meaningfully address Murray's grounds of appeal, particularly her concern that one witness statement was insufficient to address allegations spanning a two-year period.

Murray was awarded a total of £27,114.62, covering unfair dismissal compensation, wrongful dismissal damages, and reimbursement for the unlawful deductions from her wages.

Panel's comments

The panel ruled that Murray's dismissal was both "procedurally and substantively unfair". It determined she was not given enough information to respond to allegations, and there was no evidence of "fraudulent conduct". Additionally, it noted that Murray had "promptly" offered to repay any money she was not entitled to.

The panel also noted that while Murray tried to explain some of the additional hours, her employer did not listen to her explanations. They added: "She was not given an opportunity to put forward explanations she had prepared and was interrupted from doing so. When she subsequently sent those explanations in writing after the hearing, her correspondence was not acknowledged and there was no reference made to it in the letter dismissing the claimant".

Furthermore, the panel described the appeal process as a "tick-box exercise", stating that while there was no suggestion Murray had not worked the hours recorded by her, there was "simply no falsification and no fraud".

Thanks to Mahalia Mayne and People Management for the tribunal summary.

HOUSING OFFICER WHO EXPERIENCED SEIZURES WINS HARASSMENT CLAIM AT TRIBUNAL AFTER BOSS SENT HER PHOTO FROM THE EXORCIST

Panel finds manager's behaviour was 'completely inappropriate' after she repeatedly called claimant 'Regan' in reference to film character who was possessed by the devil.

A housing officer who experienced seizures following a "violent gang assault" was harassed when her manager sent her an image of a character from The Exorcist, a tribunal has ruled.

The London South Croydon tribunal found that after experiencing a seizure at work, Charlene Friend was repeatedly called 'Regan' by her manager in reference to the demon-possessed child from the horror film. The panel stated that this behaviour was "both unwanted and offensive as well completely inappropriate in the circumstances, particularly from a line manager".

"We can well imagine how hurtful and distressing the claimant would find this particularly given the seizures that she was experiencing," they said.

Background

Friend began working for MHS Homes Ltd, an independent social landlord, on 18 June 2018 as a housing officer in the income team.

Four years earlier, in November 2014, Friend and other family members were the victims of a violent gang assault. She was stabbed in the head and also received blows to her head with a baseball bat, sustaining serious injuries.

Friend also experiences PTSD, anxiety and fibromyalgia, and has problems with her memory, retaining and processing information, meaning it takes her longer to complete and organise tasks. She informed the organisation of her disabilities.

In May 2019, Friend began a permanent position as a customer liaison officer, when Lisa Gilbert became her team leader.

Soon after beginning the role, Friend expressed concern over her ability to cope with the training, due to her cognitive impairment. She was referred by HR to its Employee Assistance Programme and Occupational Health.

On 1 June 2019, Friend's brother was re-attacked by one of the original attackers and was hospitalised, sustaining a head injury. The defendant failed to attend the crown court hearing, resulting in a warrant for his arrest.

The tribunal heard this was “very distressing” for Friend as it “retriggered” the events of the original attack in her mind. She also had to stay in close contact with the police at this time and explain the situation to HR and Gilbert, who was critical of the time it was taking her away from her work.

On 26 June an occupational health (OH) report recommended reasonable adjustments relating to training and the position of her desk. It also advised that Friend was referred for an expert assessment of her neurological difficulties, however the respondent put the responsibility on the claimant to action this.

One symptom of Friend’s PTSD was that she was “extremely concerned” about the possibility that someone was approaching her from behind. This meant she needed to sit with her back to the wall so she could see anyone approaching her. However, the respondent initially refused to provide this as it had a hot-desk system.

Friend told the tribunal that other workers with disabilities had been given permanent desks, but instead she was given a laminated sign which said “please do not use this desk” which she was told to carry around and use, which she found demeaning.

On 3 August, Friend’s father was taken to hospital after a suicide attempt. She requested part of the following Monday off work so she could be at home with her family. Friend found her discussion of this with Gilbert to be harrowing and her response to be very judgmental.

The tribunal heard that around this time, Gilbert had taken Friend into a side room at the office and told her that people with mental health issues and people who commit suicide are attention seekers. Friend was “disgusted” by these comments and was so hurt that she went into the toilets and cried.

On 19 December, the claimant attended an impromptu meeting with Gilbert at the end of the day when everyone else had left the office. She was told it was a formal meeting, which sent Friend into a “state of panic”. Gilbert informed her she was being placed on a capabilities performance improvement plan and it could mean losing her job.

Gilbert also said Friend was not a team player and she made no effort to interact with her colleagues. She also accused the claimant of driving around and wasting time, which was a reference to an incident where she had got lost looking for the address of one of the respondent’s tenants.

She said Friend’s work was not good enough and she was slow, meaning Gilbert would begin sitting with her every day to monitor her work. Friend felt “worthless, demoralised and totally victimised” by the meeting, the tribunal heard.

A letter sent to Friend on 23 December setting out the outcome of the meeting did not offer any support measures to address her workload or time management, simply asking Friend to keep a record of the work she is doing.

On 24 September, Friend overheard a private discussion of the performance of members of the team between Gilbert and Claire Carter, Gilbert’s line manager, taking place in the next room over speakerphone. She heard Gilbert describe her as lazy and underperforming, stating that she was incapable of doing her job and she had to find a way to let her go. Gilbert went on to ask why the claimant could not be easy to deal with and have no issues like other staff members.

Friend was very upset, started crying and left the office. She contacted her GP that afternoon and was signed off work for seven weeks.

The tribunal said it was "unfortunate" that Friend overheard the private conversation, but added: "We can see that this would reinforce the claimant's belief that Ms Gilbert intended to get rid of her and would have caused much distress to the point of having suicidal thoughts."

On 16 November, Friend returned to work. During a formal capability meeting on 8 January 2021, Carter stated she would continue to make reasonable adjustments for the claimant, but that this needs to be a "two-way street". She said the claimant could take short breaks during the day, but she would need to "meet us halfway".

"This would appear to indicate that perhaps Carter did not understand the meaning of reasonable adjustments," the tribunal stated.

On 15 January Friend was issued with a six-month long written warning due to her timekeeping, however was not told what she could do to improve on this.

On 20 July, Friend had a seizure at work and was taken to hospital. She alleged that in the months following this, Gilbert often referred to her as 'Regan', the main character in the film The Exorcist, who was possessed by the devil.

In a text exchange with Friend, Gilbert again referred to her by this name and sent her a poster and a still of the possessed girl from the film, the tribunal heard.

Friend told the tribunal: "I felt terrible when she would call me this name. I am a Christian and I take spiritual matters very seriously. I believe in demonic possession and when she would tell me I needed an exorcism it broke my heart.

"I have not been able to attend my church meetings because of my [seizures] and the fear of how I look and how [Gilbert] said that's how I look, it continually makes me feel ashamed and worried of how people see me."

She further recounted: "Gilbert added pictures of the Exorcism film where the girl is foaming green stuff at the mouth and is levitating from the bed. I do not know what I have done to Gilbert to make her hate me so much, but this really really broke my heart."

In October 2021, Friend was diagnosed as experiencing dissociative seizures. Consultant neurologist, Dr Robert Hadden, said these "may partly be caused by delayed psychological trauma and mental health issues".

A letter from Dr Motaz Helall dated 20 June 2022 stated that during Friend's seizures she "cannot control her body, her eyes will roll up and flicker, she had difficulty with her speech".

"She said that her episodes are on a daily basis and she thinks that the stress at work is the trigger for her episode [...] according to her, she has been bullied at work and they told her she will lose her job, because she is not quick enough. She thinks that was the trigger for her seizures."

The panel observed that during the tribunal hearing, Friend was "virtually unable to see and had to be guided and led by the arm by members of her family in and out of the tribunal room, her head was raised towards the ceiling for the majority of the time she was in attendance, her eyes were rolling within her eye sockets and her eyelids fluttering".

"Towards the end of her employment with the respondent (from July 2021 onwards), we understand that this is how she presented at work," it said.

On 10 November, Friend had a performance review with Gilbert. Gilbert said in a report she was "impressed at the improvement in Charlene's work output".

However, she further stated: "Unless Friend can start to manage her work in a timely manner she will continue to receive complaints due to lack of contact with customers following on from initial cases."

On 11 April, Friend raised a formal grievance due to how she was being treated as a result of her disabilities. She was off work on 28 April due to ill health, and remained off sick for the remainder of her employment.

The grievance meeting took place on 3 May. In a grievance investigation interview, Gilbert said she was not aware of how badly Friend's disabilities affected her, and that she perceived OH referrals as a tick-box exercise. The tribunal found her statements to be "very dismissive of the whole process".

On 27 June, Friend was sent the grievance outcome letter, which upheld her complaints.

Friend's final OH assessment took place on 15 June, finding she was not fit for work and would not be able to return before her seizures were under control.

On 11 January, Friend was dismissed with five weeks notice on grounds of incapability due to ill-health.

Judge's comments

The panel found that Gilbert's behaviour towards the claimant amounted to harassment "of a very serious nature", stating: "We are of the view that such name calling and the sending of such images are both unwanted and offensive as well completely inappropriate in the circumstances, particularly from a line manager.

"We can well imagine how hurtful and distressing the claimant would find this particularly given the seizures that she was experiencing."

Also taking into account the overheard phone call and the reference to the claimant driving around and wasting time, among other incidents, the panel concluded that the claimant suffered harassment relating to disability.

Friend's complaints of discrimination arising from disability and failure to make reasonable adjustments were also well-founded, the tribunal ruled.

Thanks to Isabel Jackson and People Management for the tribunal summary.

CARE HOME RECEPTIONIST REPEATEDLY IGNORED BY BOSS WHILE ON MATERNITY LEAVE AWARDED £10K FOR PREGNANCY DISCRIMINATION

Panel decides claimant was also constructively dismissed, saying she felt 'forgotten about' after more than 40 phone calls went unanswered.

A care home receptionist and administrator who was repeatedly ignored by her manager while she was on maternity leave was discriminated against and constructively dismissed, a tribunal has ruled.

The Glasgow tribunal heard that Maja Ginter's line manager failed to respond or answer her calls when Ginter repeatedly attempted to make contact to discuss her return to work and obtain pay slips.

The panel decided that this amounted to unfavourable treatment, explaining: "The respondent acted towards the claimant as if they had no obligation towards her as an employee on maternity leave, and made no real effort to communicate with her about her maternity leave and her return to work.

"We consider that this treatment had the effect of making the claimant feel that the respondent had forgotten about her and had no interest in whether she returned to work at the end of her maternity leave."

The tribunal ordered the respondent, Bridge of Weir Care Home, to pay Ginter more than £10,000 in compensation.

Background

Ginter began her role at Bridge of Weir Care Home on 1 May 2022. Not long after joining, she discovered she was pregnant.

She took annual leave starting in November 2022, gave birth on 15 December and officially started her maternity leave on 25 December.

At this point, Ginter's line manager was Karen Armstrong, whom she found to be "communicative and supportive" during her maternity leave. However, Armstrong left the care home in March 2023, with Helen Maloy taking over the position on 1 May. Maloy had been advised by her deputy manager Angela Carden that Ginter was absent on maternity leave.

Ginter had expected that Maloy would contact her on beginning work as her new manager, however she failed to do so. Maloy took the view that there was no requirement for her to contact the claimant and she would wait for her to get in touch herself.

In April, Ginter contacted the care home to ask for copies of payslips and her P60, which she needed as she had separated from her partner and required them to transfer the mortgage to her name.

Around the same time, Ginter phoned the care home and spoke to Maloy, congratulating her on her new position and informing her that she had worked on the reception but was on maternity leave at the time. Ginter also told her she would be in contact in a few months, prior to her return to work. She told the tribunal that Maloy appeared to be surprised by this.

When Ginter added that she had not received her payslips, Maloy said she would deal with it and be in contact with Ginter, asking for her telephone number.

However, Maloy told the tribunal that during this phone call, Ginter had told her she would not be returning to work at the end of her maternity leave. The tribunal preferred Ginter's account of the events, saying Maloy appeared keen to distance herself from the claimant as an employee during her maternity leave, and had suggested there was no reason for her to be in touch with her and she was effectively too busy to be dealing with her.

The tribunal also pointed out that Maloy did not email Ginter to confirm the terms of what "should have been regarded, if correct, as being a very important conversation in the context of the claimant's employment".

"We found it inexplicable that a manager who pronounced herself very experienced in care home management would not understand the importance of making a contemporaneous record of a conversation in which an employee effectively announced their resignation," the panel said.

Ginter had no contact from Maloy after this point, nor did she receive any payslips or her P60, despite phoning the care home a number of times. She told the tribunal the receptionist would not put her through to Maloy or told her the manager was currently unavailable and would call back, which she never did. Maloy was "largely unconcerned" with Ginter's position, regarding it as a matter for HR to deal with, the tribunal found.

In mid-July 2023, after Ginter was told again that Maloy was in a meeting and unavailable by reception, she spoke to a deputy manager who advised her to contact the care home again in about a month or so. Ginter also emailed the care home reception and Maloy multiple times asking for copies of her payslips, without any reply.

One email Ginter sent to Maloy on 28 July stated that if she did not receive her payslips she would not be able to remortgage her house and would be left with nowhere to live. She pointed out it had been three months since she first asked for the payslips. Ginter went on to say that she had now decided not to return to work at the care home at the end of her maternity leave and 20 October would be her last working day for the company.

Mr Mitchell, group HR manager, responded saying he would speak with the finance team about the payslips, asking which ones she required. He said he was disappointed she was resigning from the company, but that her decision was respected, and wished her well with her baby.

On 30 September, Ginter submitted a complaint to the care home about her treatment, followed by an employment tribunal claim on 6 October.

On 31 October, the claimant emailed Mitchell, explaining that she had tried to call her manager on 40 occasions to discuss her return to work and accessing her payslips, but had been repeatedly ignored. Ginter added: "I was a good employee, I really liked this place, I didn't call sick, I was happy to go to work every day to help Karen or Lorna and to do best job, I didn't deserve to be treated like that and lose my house because of payslips that was very stressful situation with small baby, which take five minutes to send. If you have any more questions, I'll be happy to answer."

Ginter suffered from stress and anxiety as a result of the care home's discriminatory treatment. She experienced dizziness between July and December 2023 on an almost daily basis, and as a result was sometimes unable to get out of bed and take care of her baby. The tribunal heard Ginter also suffers from psoriasis, which she attributes to her stress, and experienced sleeping issues from July to November 2023.

The tribunal ordered the respondent to pay the claimant £10,422.04, comprising £1,240.32, equal to four weeks' pay as compensation for failure to provide payslips; £338 for underpayment of maternity pay; £7,500 for injury to feelings; and £1,343.72 for loss of earnings.

Panel's comments

The panel found that Ginter was constructively unfairly dismissed, explaining: "We have come to the conclusion that the claimant's resignation came at a point when she felt exasperated and disappointed at the lack of contact from her manager, and her own inability to communicate directly with her manager, that she reached the point where she felt compelled to resign from her employment with the respondent."

"We consider that it was reasonable for the claimant to conclude that the respondent had no interest in her returning to work, and decided simply to leave aside any contact with her," it added. The panel also highlighted that Ginter's appeals to her employer to obtain the necessary information to help her remortgage her property "fell on deaf ears".

"The fact that the respondent had a statutory duty which they failed to comply with, that they delayed and for long periods failed entirely to respond to her requests for her payslips and that they ultimately only responded to the claimant once she tendered her resignation on 28 July 2023 demonstrates, in our judgment, that the respondent committed a serious breach of the fundamental implied term of trust and confidence inherent in a contract of employment between employer and employee," it concluded.

The panel found the claimant also experienced pregnancy discrimination, saying that "the employer has a reasonable obligation to let an employee on maternity leave know that their manager has changed, and how to get in touch with that new manager, and in this case, the respondent plainly failed to provide the claimant with that information". It decided that this amounted to unfavourable treatment, explaining: "The respondent acted towards the claimant as if they had no obligation towards her as an employee on maternity leave, and made no real effort to communicate with her about her maternity leave and her return to work.

"We consider that this treatment had the effect of making the claimant feel that the respondent had forgotten about her and had no interest in whether she returned to work at the end of her maternity leave."

Thanks to Isabel Jackson and People Management for the tribunal summary.

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