



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr. B. O'Hara

**Respondent:** Whitbread Group Plc

**HELD AT:** Mold

**ON:** 10-12 September  
2018

**BEFORE:** Employment Judge T Vincent Ryan

## REPRESENTATION:

**Claimant:** Mr. O'Hara represented himself

**Respondent:** Mr. M. Foster, solicitor

# JUDGMENT

The unanimous judgment of the Tribunal is:

1.The respondent made unauthorised deductions from the claimant's wages in respect of his share of the Summer Scheme 2017 bonus.

2. The claimant's claim that the respondent made unauthorised deductions from his wages in respect of a share of tips in his last week of employment is withdrawn and therefore dismissed.

3. The claimant's claim that the respondent made unauthorised deductions from his wages being a pay-rise that he claimed was due to him to reflect his qualification as a Barista Maestro fails and is dismissed.

4.The claimant resigned from his employment on 31<sup>st</sup> August 2017. He was not dismissed. His claim of unfair constructive dismissal fails and is dismissed.

5. The respondent did not discriminate against the claimant by treating him less favourably than any actual or hypothetical comparator because of the protected characteristic of sex; his claim of sex discrimination fails and is dismissed.

6. The respondent did not indirectly discriminate against the claimant in relation to the disability of his son; his claim of associative indirect disability discrimination fails and is dismissed.

7. The claimant's claim of race discrimination is dismissed on withdrawal by the claimant.

Employment Judge T.V. Ryan

Date: 12 September 2018

JUDGMENT SENT TO THE PARTIES ON  
17 September 2018

FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.