



# EMPLOYMENT TRIBUNALS

**Claimants:** Ms K Smith  
Ms F Kelledy

**Respondent:** TFS Stores Limited (t/a The Fragrance Shop)

**HELD AT:** Liverpool

**ON:** 10, 11 and 12  
July 2017

**BEFORE:** Employment Judge Barker  
Mr R Tyndall  
Mr P Gates

## REPRESENTATION:

**Claimant:** Ms L Mankau, Counsel  
**Respondent:** Ms C Souter, Counsel

## JUDGMENT

The unanimous judgment of the Tribunal is that:

1. Both claimants were constructively dismissed by the respondent;
2. Both claimants' dismissals were unfair contrary to s94 of the Employment Rights Act 1996;
3. Ms Smith's dismissal was wrongful;
4. Ms Smith's dismissal was not automatically unfair as per s103A of the Employment Rights Act 1996;
5. Ms Smith was not subjected to a detriment contrary to s47B of the Employment Rights Act 1996; and
6. Ms Kelledy is awarded £4814.36 in compensation by agreement of the parties and without determination by the Tribunal. This sum is inclusive of £220 Employment Tribunal fees.

The Tribunal granted Ms Smith's request for an adjournment of the hearing to determine remedy in her case, to a date to be notified to the parties by the Tribunal.

Employment Judge Barker

12 July 2017

JUDGMENT SENT TO THE PARTIES ON

14 July 2017

FOR THE SECRETARY OF THE TRIBUNALS

Written reasons for this decision will not be provided unless they are asked for by any party at the Hearing itself or by a written request presented by any party within 14 days of the sending of the written record of the decision.