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Voisin Law Successfully Defends Jersey Cares in Employment and Discrimination Tribunal Claim | 1

Voisin Law is pleased to have successfully represented Jersey Cares, a local charity supporting people with care experience, in defending claims for constructive unfair dismissal, notice pay and disability discrimination brought by a former employee.

In **Bryony Lea Mitchell v Jersey Cares Limited [2025] TRE 269**, the Employment and Discrimination Tribunal dismissed all claims against Jersey Cares, finding that the charity had acted appropriately and reasonably throughout the employee's period of sickness absence and subsequent resignation.

The claimant alleged that Jersey Cares had failed to make reasonable adjustments in relation to her disability and that a series of actions by the charity amounted to a breach of trust and confidence, entitling her to resign and claim constructive unfair dismissal. The Tribunal rejected those allegations, preferring the evidence of Jersey Cares and finding it to be credible and supported by contemporaneous documentation. The Tribunal also concluded that certain aspects of the claimant's evidence were not reliable.

Of particular significance was the Tribunal's finding that the employer's temporary decision to ask the employee not to return to work after a period of sickness pending medical advice was a one-off management decision rather than a "provision, criterion or practice" for the purposes of a claim for failure to make reasonable adjustments. Further, the Tribunal held that the claimant suffered no substantial disadvantage (a prerequisite for a failure to make reasonable adjustment claim), as she remained on full pay throughout the relevant period.

The Tribunal also dismissed the constructive unfair dismissal claim, finding that none of the matters relied upon by the claimant, whether individually or collectively, amounted to a repudiatory breach of contract entitling the claimant to resign. The alleged "last straw" events relied upon by the claimant were objectively trivial.

The case provides helpful guidance for Jersey employers managing employee health issues and return-to-work arrangements and illustrates the importance of keeping contemporaneous records of actions taken by the employer and its communications with employees.

Jersey Cares was represented by Stephanie Habin, English Solicitor in Voisin Law's Dispute Resolution team. Stephanie regularly advises employers, charities and businesses on employment disputes, discrimination claims, workplace grievances and Tribunal proceedings.

For advice on employment law, workplace disputes or discrimination claims, please contact Voisin Law's Dispute Resolution team.

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