



EMPLOYMENT TRIBUNALS

Claimant: Miss S Hamilton

Respondent: Zoe Loftus trading as Love2dye

Heard at: Manchester **On:** 5, 6 and 7 July 2017

Before: Employment Judge Franey
Mr G Skilling
Ms B Hillon

Representation

Claimant: In person

Respondent: In person

JUDGMENT

The unanimous judgment of the Tribunal is as follows:

1. The complaint of unfair dismissal is well founded. The claimant was unfairly dismissed. The respondent is ordered to pay the claimant a basic award of **£381.60** and a compensatory award of **£400.00** composed solely of an award for loss of statutory rights. The recoupment regulations do not apply.
2. It is declared that the respondent failed to provide the claimant with itemised pay statements.
3. The complaint of pregnancy discrimination contrary to section 18 Equality Act 2010 succeeds. In dismissing the claimant the respondent treated her unfavourably because of her pregnancy. The respondent is ordered to pay the claimant compensation in the sum of **£9,050.15** made up of £6,000 compensation for injury to feelings, £2,518.73 compensation for financial losses, and interest on those figures.
4. The complaint of breach of contract in relation to the two week notice period succeeds and the respondent is ordered to pay the claimant damages in the sum of **£324.00**.
5. The complaint of unlawful deductions from pay between 17 November 2014 and 3 August 2016 succeeds and the respondent is ordered to pay to the claimant the gross sum of **£11,327.11** unlawfully deducted.

6. The complaint of unlawful deductions from pay in respect of holiday pay succeeds and the respondent is ordered to pay the claimant the gross sum of **£151.20** unlawfully deducted from her pay.
7. The above awards are increased by the higher award of four weeks' pay in the sum of **£763.20** because the respondent was in breach of its duty to provide the claimant with a written statement of the particulars of employment.
8. The complaint of harassment related to sex contrary to section 26 Equality Act 2010 fails and is dismissed.
9. As the claimant received remission in full no award is made in relation to fees.
10. The total amount payable by the respondent to the claimant is therefore as follows:

Unfair Dismissal basic award	£	381.60
Unfair Dismissal compensatory award	£	400.00
Pregnancy Discrimination	£	9,050.15
Notice pay (net)	£	324.00
Unlawful deductions from pay (gross)	£	11,327.11
Holiday pay (gross)	£	151.20
No written statement	£	<u>763.20</u>
Total	£	22,397.26

Employment Judge Franey

7 July 2017

JUDGMENT SENT TO THE PARTIES ON

13 July 2017

FOR THE TRIBUNAL OFFICE

Note

Written reasons were requested at the hearing and will be supplied as soon as practicable.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: 2405174/2016

Name of case: Miss S Hamilton v Zoe Loftus Trading As Love2dye

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 13 July 2017

"the calculation day" is: 14 July 2017

"the stipulated rate of interest" is: 8%

MR S ARTINGSTALL
For the Employment Tribunal Office