



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Miss M Reeves

v The Hannah Corporation Limited

Heard at: BURY ST EDMUNDS

On: 31 August 2017

Before: Employment Judge Laidler

Appearances

For the Claimant: Miss C Fertig, Consultant.

For the Respondent: Response not entered.

JUDGMENT having been sent to the parties on 20 September 2017 and reasons having been requested in accordance with Rule 62(3) of the Rules of Procedure 2013, the following reasons are provided:

REASONS

1. This is the claim of Megan Reeves received on 24 December 2016 in which she brought a complaint of discrimination on the grounds of pregnancy/maternity. The claim was served upon the respondent by letter of 6 January 2017. The proceedings were addressed to 16 High Street, Rushden, Northants, NN10 0PR which a company search has revealed is the registered office address of the respondent. The date given for the respondent's response was 3 February 2017. No response was received and the respondent was advised that judgment might now be issued. It was further advised by letter of 14 February 2017 that it would be entitled to receive notice of the hearing but may only participate to the extent permitted by the Employment Judge.
2. By letter of 14 February 2017 the claimant was advised that no response had been presented and was asked to produce a schedule of loss and details of the amount being claimed by her. The claimant was due to give birth to her baby in or about April 2017 leading to various requests for postponement. The matter eventually took place on 31 August 2017. The respondent did not attend that hearing and no correspondence was received from them.
3. At the hearing the tribunal heard from the claimant and saw various documents produced by her. It also considered the schedule of loss and submissions made on her behalf. From the evidence heard the tribunal

finds the following facts.

The Facts

4. The claimant commenced employment with the respondent as a receptionist at its estate agency on 18 February 2016. After approximately 3 months the respondent closed the estate agency business but the claimant received a telephone call from the HR Manager who advised her there was a job in the Building and Contents (B&C) department in the Wellingborough office. The claimant transferred to that role in early June 2016. This was a role involving general administration duties including telephoning existing clients to offer other insurance products and sending out documentation in the post.
5. It is clear from the documents seen by the tribunal that the correct title of the respondent is 'The Hannah Corporation Limited'. The name of the respondent in these proceedings is amended accordingly as the tribunal is satisfied that correspondence has in any event been sent to the registered office of that limited liability company.
6. The tribunal accepts that in or about June 2016 Mr Dave Young the departmental manager told the claimant she was getting on well in her job. A Miss Camp worked with the claimant in the Wellingborough office and the tribunal accepts that she was carrying out similar duties to the claimant. They were both described as B&C personal assistants. Miss Camp joined the company at roughly the same time as the claimant.
7. In July 2016, the claimant discovered she was pregnant. On 9 August 2016, she had to go to Kettering General Hospital with a suspected ectopic pregnancy. She took a few hours off work to do this and returned to work afterwards. Fortunately, all was well with the pregnancy and she carried on working as normal. Both Mr Young and Miss Harrison were aware that she was in the early stages of pregnancy.
8. The claimant took a couple of days off work and returned to work on 24 August 2016 to be called into a meeting with Mr Young and Miss Harrison. Miss Harrison told her that there was not enough work for her and Miss Camp the other member of staff doing a similar role, and that as the claimant was on a 3-month probationary period in this new role they would have to let her go. The tribunal however accepts the claimant's evidence that she had in fact commenced employment with the respondent's in February 2016 and her probationary period had expired. The claimant was asked to leave there and then without any further discussion or explanation. She was simply told she would receive her salary to the end of month as pay in lieu of notice.
9. The tribunal is satisfied there was no discussion about alternative employment. Despite Miss Camp being in the same department, doing the same role with approximately the same length of service she was not spoken to similarly about the need to reduce the workforce or a risk of redundancy. The meeting was only arranged with the claimant and followed after the respondent had been made aware of the claimant's pregnancy.
10. The claimant was shocked at speed at which she found herself without a

job. She emailed Mr Young later that day on 24 August 2016 to request a letter confirming her dismissal. Miss Harrison replied stating:-

“As you know the department where you are working was a new venture and unfortunately it has not grown at the speed we were hoping for, because of this we have had to look at the staffing levels within the team.

It is with regret that as you are currently on probation and there isn't enough work to accommodate you on a full time permanent member of staff on a regular basis the decision was made to terminate your employment.”

11. The tribunal accepts the evidence of the claimant that she met Mr Young at a social event on 15 October 2016. He told her that another member of staff had been taken on in the Building and Contents department albeit at a different office. He told the claimant this new member of staff was undertaking the same duties as the claimant had done previously although they had been given a different job title. This confirmed to the claimant that there had been no redundancy situation or reduced requirement for the work she was doing.
12. The tribunal further accepts the evidence of the claimant that her confidence was knocked by this dismissal and it was a particularly difficult time for her to obtain new employment whilst preparing for the birth of her child. She had to rely on her parents for support. Some jobs were difficult for her to consider as she was pregnant. The claimant managed to secure seven weeks of temporary work earning £840.05.
13. Loss of earnings were claimed from the date of dismissal to the date the claimant would have started her maternity leave and thereafter the claim was limited to maternity pay. The claimant then claimed for future losses on the basis that she would have remained on maternity leave till the 4 January 2018 being the end of her maternity pay period.
14. The tribunal was satisfied that the claimant had established that the reason for her dismissal was pregnancy, child birth or maternity within the meaning of s.99 of the Employment Rights Act 1996 and that consequently the dismissal was automatically unfair. It was also an act of less favourable treatment because of her pregnancy contrary to s.18 of the Equality Act 2010.
15. No evidence has been produced by or on behalf of the respondent either contemporaneously or within these proceedings to establish that there was a genuine redundancy situation. In the absence of such the claimant's evidence has been accepted, that there was in fact not a redundancy situation and that the true reason for her dismissal was the notification of her pregnancy and that that was why he was selected over and above Miss Camp who carried out similar duties to her.

16. The tribunal was satisfied that the claimant should be awarded compensation as follows: -

Compensatory award

Losses to date

Loss of earnings from 24 August 2016 the date of her dismissal to the date that would have been the commencement of her maternity leave period 6 April 2017.

31 weeks at £217.85 net per week £6,753.35

Loss of statutory maternity pay from the 7 April to 17 May 2017.

6 weeks at £207.69 (90% of gross weekly wage of £230.77). £1,246.14

Loss of statutory maternity pay from the 18 May 2017 to the date of this hearing.

15 weeks at £140.98 (rate from April 2017) £2,114.70

Less amounts earned in mitigation £840.05

Losses to date £9,274.14

Future losses

The Claimant will be on maternity leave until 4 January 2018, the end of the maternity leave period and will therefore sustain the following future losses: -

1 September 2017 to 4 January 2018

18 weeks at £140.98 £2,537.64

Total compensatory award £11,811.78

Injury to feelings £6,000.00

TOTAL AWARD £17,811.78

Employment Judge Laidler

Date:2.11.17.....

Judgment sent to the parties on

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For the Tribunal office