



EMPLOYMENT TRIBUNALS

Claimant: Ms N Brown

Respondents: (1) Giltbrook Carehomes Ltd
(2) Ms J Inamdar

Heard at: Nottingham **On:** 16, 17, 18 July 2018

Before: Employment Judge Faulkner
Ms F French
Mr A Saddique

Representation

Claimant: Mr T Herbert (Counsel)

Respondent: Mr D Brown (Counsel)

JUDGMENT

1. The First Respondent did not dismiss the Claimant in September 2017 as the Claimant alleged. The following complaints are accordingly not well-founded:

- 1.1. Unfair dismissal;
- 1.2. Breach of contract (failure to pay notice); and
- 1.3. Failure to provide written reasons for dismissal.

2. On the same basis, the Claimant's complaint that the Respondents discriminated against her by dismissing her because she was pregnant and/or had exercised her right to take maternity leave is dismissed.

3. The First Respondent made an unauthorised deduction from the Claimant's wages contrary to section 13 of the Employment Rights Act 1996 and in breach of regulation 16 of the Working Time Regulations 1998 failed to pay her in respect of a period of annual leave to which she was entitled under regulation 13 of those Regulations.

4. By consent the First Respondent is ordered to pay to the Claimant such amount as results in a net payment of £411.18 (four hundred and eleven pounds and eighteen pence), attributable to the First Respondent's unauthorised deduction from her wages and its failure to pay her in respect of a period of annual leave.

5. By authorising and making the deduction from her wages referred to above and by their decision not to pay her in respect of annual leave as referred to above, contrary to section 39 of the Equality Act 2010 the Respondents discriminated against the Claimant because she had exercised her right to maternity leave.

6. The Respondents are ordered to pay to the Claimant the sum of £6,406.36 (six thousand four hundred and six pounds and thirty-six pence) by way of compensation for injury to feelings. The amount ordered to be paid comprises the principal sum of £6,000 and interest of £406.36. The Respondents are jointly and severally liable to the Claimant for this sum.

7. All other complaints of discrimination are dismissed.

Employment Judge Faulkner

Date: 19 July 2018

JUDGMENT SENT TO THE PARTIES ON

21 July 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 or a written request is presented by either party within 14 days of the sending of this written record of the decision.