



EMPLOYMENT TRIBUNALS

Claimant: Miss R Buglass

Respondent: (1) BSD Hotels Limited
(2) Mr Jagroop Dulal

Heard at: North Shields

On: 5 November 2018

Before: Employment Judge A.M.S. Green
Mrs C Hunter
Mr M Ratcliffe

Representation

Claimant: In person

Respondent: Mr G Jamieson, Solicitor

JUDGMENT ON REMEDY

1. The unanimous judgement of the Tribunal is that the respondents being jointly and severally liable are ordered to pay the claimant compensation for pregnancy related discrimination pursuant to the Equality Act 2010 in the sum of £3259.20 being an award for injury to feelings in the sum of £3000 and an award of compensation in respect of loss of earnings of £259.20 for the period of loss between 11th of November 2017 and 27 November 2017. We have applied a 10% reduction to reflect the fact that the claimant may have been fairly dismissed before 27 November 2017 being the date that her maternity leave started for non-discriminatory reasons. There is no future loss, it being accepted that the claimant would have commenced maternity leave on 27 November 2017 and that her fixed term contract would have expired on 2 April 2018 when Alex Doherty returned from maternity leave. The claimant would not have continued her employment with the first respondent after that date.
2. The respondents are ordered to pay interest to the claimant pursuant to

Employment Tribunals (Interest on Awards on Discrimination Cases) Regulations 1996 on the said sums in the total sum of £252.41 broken down as to £241.97 in respect of interest on the said award of £3000 and £10.44 in respect of the interest on the said award of £259.20.

3. The respondents are ordered to pay the claimant £480 under the Employment Rights Act 1996, section 38 for failure to provide the claimant with a written statement of particulars of employment. We believe that this figure, being four weeks' pay is just and equitable given our findings of fact in reserved liability judgment concerning the circumstances surrounding the purported execution of the contract of employment that was advanced by the respondents.
4. There is no award for loss of statutory rights or a basic award as the claimant did not have the necessary qualifying service to claim ordinary unfair dismissal.
5. The Employment Protection (Recruitment of Benefits Regulations) 1996 do not apply to this case.
6. The total sum payable to the claimant is **£3,991.61**

Employment Judge A.M.S. Green

Date 7 November 2018



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2500686/2018**

Name of case(s): **Miss R Buglass** v **Mr Jagroop Dulai
& Others**

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: **7 November 2018**

"the calculation day" is: **8 November 2018**

"the stipulated rate of interest" is: **8%**

MISS K FEATHERSTONE

For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at

www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.