

EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4105387/2017

5

Held in Glasgow on 28th March 2018

Employment Judge: M Whitcombe

Members: Mrs J Ward

10

Mr J Burnett

Miss A Boyle

15

**Claimant
In person**

20

Miss A Carroll

**Respondent
In person**

25

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

The unanimous judgment of the Employment Tribunal is as follows (reasons having been given orally at the hearing in accordance with rule 62(2) of the Employment Tribunals Rules of Procedure 2013):

30

1. The claim that the Respondent failed, upon the termination of the Claimant's employment, to pay the full amount of pay due in respect of accrued entitlement to paid annual leave under regulations 13 and/or 13A of the Working Time Regulations 1998 succeeds. The Claimant is entitled to two days' pay and the Respondent is ordered to pay the Claimant the sum of £140 (gross).

35

2. The claim for other unlawful deductions from wages during the first five weeks following the Claimant's return from maternity leave was withdrawn at the hearing and is now dismissed.

40

E.T. Z4 (WR)

3. The claim that the Respondent refused to permit the Claimant to exercise her right to annual leave under regulations 13 and/or 13A of the Working Time Regulations 1998 fails and is dismissed.

5

4. The claim that the Respondent refused to permit the Claimant to exercise her right to rest breaks under regulation 12 of the Working Time Regulations 1998 succeeds, and the Tribunal makes a declaration to that effect. However, the Tribunal does not make any award of compensation in relation to that refusal.

10

5. The claim that the Respondent failed to provide the Claimant with a written statement of the particulars of her employment was admitted and succeeds. In accordance with section 38(2) of the Employment Act 2002, the Respondent is ordered to pay the Claimant the sum of £560, representing 4 weeks' gross pay.

15

6. The claim that, contrary to section 8 of the Employment Rights Act 1996, the Respondent failed to provide the Claimant with written itemised pay statements (in the form of payslips) fails and is dismissed.

20

7. For the avoidance of doubt, the entirety of the claim for pregnancy discrimination was withdrawn prior to the hearing. To the extent that it has not already been dismissed, the Tribunal now dismisses it.

25

8. The claim for maternity discrimination considered and summarised at the Preliminary Hearing conducted by EJ Wallington QC on 12th January 2018 fails and is dismissed.

30

9. The Tribunal refuses permission to re-amend the claim in order to advance an alternative claim for maternity discrimination based on working conditions and the allocation of duties.

5

Employment Judge: M Whitcombe
Date of Judgment: 03 April 2018
Entered in register: 04 April 2018
and copied to parties

10

15