



EMPLOYMENT TRIBUNALS

Claimant: Mrs P Zalewska

Respondent 1: Bradford Pizza Ltd

Respondent 2: Mr A Shan

HELD AT: Sheffield

ON: 14 March 2019

BEFORE: Employment Judge Brain

REPRESENTATION:

Claimant: Mrs C Fowler, Solicitor

Respondent: None

JUDGMENT

The Judgment of the Employment Tribunal is that:

1. The claimant was summarily dismissed on 28 December 2018 by the first respondent in circumstances in which she was entitled to three weeks' notice to bring her contract of employment to an end. Accordingly, the claimant's complaint of wrongful dismissal succeeds. The first respondent shall pay to the claimant damages for wrongful dismissal in the sum of £468.
2. The claimant was dismissed by reason of redundancy. The dismissal was wholly attributable to the fact that the first respondent ceased or intended to cease to carry on the business for the purposes of which the employee was employed by the first respondent in the place where she was so employed. Upon the date of dismissal the claimant was 27 years of age and had worked for the first respondent for a period of three complete years. Her gross average weekly pay was in the sum of £156. Accordingly, by application of the statutory formula at section 162 of the Employment Rights Act 1996 the claimant is entitled to a redundancy award which is payable to her by the first respondent in the sum of £468.

3. The claimant was unfairly dismissed by the first respondent. The first respondent shall pay to the claimant a basic award calculated in accordance with section 119 of the 1996 Act in the sum of £468.
4. For the avoidance of doubt, the cumulative total payable to the claimant by the first respondent in respect of the awards at paragraph 2 and 3 hereof is in the sum of £468.
5. The respondents subjected the claimant to detriments in employment by treating her unfavourably because of her pregnancy contrary to section 18 and 39(2)(d) of the Equality Act 2010. The respondents are jointly and severally liable to pay to the claimant compensation for injury to her feelings in the sum of £2,500 together with interest at the rate of 8% from 1 August 2018 to today's date in the sum of £125.
6. The first respondent subjected the claimant to a detriment relating to her pregnancy contrary to section 47C of the 1996 Act. The first respondent shall pay to the claimant the sum of £2,500 by way of compensation for injury to the claimant's feelings.
7. For the avoidance of doubt, the cumulative amount payable by the first respondent pursuant to paragraphs 5 and 6 for injury to the claimant's feelings is in the sum of £2,500 (excluding the award for interest under the 2010 Act which is payable in addition).
8. The claimant is entitled to compensation for annual leave accrued but untaken as at 28 December 2018. The claimant's accrued entitlement to annual leave as at that date was 3.26 weeks. The first respondent shall therefore pay to the claimant compensation in the sum of £508.56.
9. The first respondent failed to comply with its obligation to furnish the claimant with a written statement of the reason for her dismissal. Given that the claimant was pregnant such entitlement arises automatically without the need for her to have made a request. Pursuant to section 93(2) of the 1996 Act the Tribunal makes a declaration that the first respondent dismissed the claimant by reason of redundancy. In addition, the first respondent shall pay to the claimant a sum equal to the amount of two weeks' pay in the sum of £312 by reason of its failure.
10. Pursuant to section 38 of the Employment Act 2002 the first respondent shall pay to the claimant an amount equivalent to four weeks' pay in the sum of £624 by reason of the first respondent's failure to furnish the claimant with an initial statement of employment particulars.
11. The amount payable to the claimant by the first respondent is in the sum of £5,005.56.
12. The amount payable to the claimant by the second respondent is in the sum of £2,625.

13. For the avoidance of doubt, the amount of compensation to which the claimant is entitled in total is £5,005.56 by reason of the joint and several liability of the respondents for the amounts awarded at paragraph 5 above.

Employment Judge Brain
25 March 2019

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.

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