



EMPLOYMENT TRIBUNALS

Claimant: Ms W Zhang

Respondent: Bathroom Classics Ltd

Heard at: Birmingham Employment Tribunal

On: 15/08/2019

Before: Employment Judge Butler
Ms S Campbell
Mr K Palmer

Representation

Claimant: Mr Russell (Counsel)

Respondent: Mr Gilbert (Consultant)

JUDGMENT (LIABILITY & REMEDY)

The unanimous judgment of the tribunal is that:

LIABILITY

1. Contrary to sections 18(4) and 39 of the Equality Act 2010, the respondent discriminated against the claimant because of her having exercised her right to ordinary or additional maternity leave.
2. Pursuant to section 99 of the Employment Rights Act 1996, the claimant's claim for unfair dismissal is well-founded.
3. Liability for underpayment of maternity pay, for failure to pay holiday pay, which had accrued before dismissal, and for 1 months' notice pay, were all conceded by the respondent, and therefore they all succeed.

REMEDY

4. The respondent is ordered to pay the claimant the sum of **£13,277.13** for unfair dismissal made up of the following:
 - (i) The agreed gross sum of **£1,991.24** for the basic award of

- (ii) The net sum of **£11,285.89** for the compensatory award, which is calculated as follows:
- a. 4 months to find new, comparable employment (using the agreed normal weekly pay of £497.81): £8,628.71
 - b. Loss of statutory rights: £400
 - c. Uplift of 25% for failure to follow ACAS code: £2,257.18
5. The respondent is ordered to pay damages of **£11,000** for injury to feelings. This is made up of:
The sum of £8,800 for injury to feelings
Uplift of 25% for failure to follow ACAS code: £2,200
6. The respondent is ordered to pay for wrongful dismissal/failure to provide one month's notice, the sum of **£2,696.65**. This is made up of:
The agreed net sum of £2,157.18
Uplift of 25% for failure to follow ACAS code: £539.47
7. The respondent is ordered to pay the gross sum of **£1,107.63** for accrued holiday pay. This is made up of:
The agreed gross sum of £886.10.
Uplift of 25% for failure to follow ACAS code: £221.53
8. The respondent is ordered to pay the claimant the net sum of **£2114.10** for failure to pay the owed maternity pay. This is made up of:
The agreed net sum of £1,691.28.
Uplift of 25% for failure to follow ACAS code: £422.82
9. For avoidance of doubt, the respondent is ordered to pay the claimant the total sum of **£30,195.33**. (Do note that the figures in paragraphs 4-8 are rounded up to the nearest pence, and if totaled equal £30,195.51. The total figure stated in this paragraph, that which the respondent is ordered to pay, is the accurate figure without rounding up.)
10. The respondent is ordered to pay the claimant the sum of **£30,195.33** within 14 days of this judgment being handed down to the parties.
11. An application for costs by the claimant was not well founded and refused.
12. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 ("the Recoupment Regulations") do not apply in this case.

Employment Judge **Butler**

Date 15/08/2019

Notes

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.

Public access to employment tribunal decisions

Case No: 1303009/2018

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.