



EMPLOYMENT TRIBUNALS

Claimant: Ms K Birley

Respondent: Wonderland Nurseries Ltd

This has been a remote hearing, by cloud video platform (V): A hearing in person was not practicable because of the present restrictions due to Covid 19.

Heard at: Leeds

On: 10 and 11 September
2020

Before: Employment Judge D N Jones
Mr Q Shah
Mrs Arshad-Mather

REPRESENTATION:

Claimant: In person

Respondent: Ms R Hodgkins, counsel

JUDGMENT

The Tribunal holds, unanimously:

1. The claimant was unfairly dismissed for reasons relating to pregnancy.
2. The claimant was unfavourably treated by the respondent because of reasons relating to her pregnancy and pregnancy illness.
3. The claimant was wrongfully dismissed.
4. The claimant was not subjected to the detriments of failures to conduct a reasonable investigation, the hearing of her appeal or reasonable investigation of her appeal because of her pregnancy or pregnancy related illness.
5. The claimant was not subjected to the detriments of failures to conduct a reasonable investigation, the hearing of her appeal or reasonable investigation of her appeal for reasons related to pregnancy, or maternity.

6. The claim for unauthorised deductions from wages is dismissed as it is a duplication of the claim for breach of contract.
7. The employer's contract claim is dismissed.
8. The respondent shall pay to the claimant damages for the breach of contract in the sum of £990.
9. The respondent shall pay to the claimant compensation for the unlawful discrimination in the sum of £15,168.95.
10. No additional award is made for the claim of unfair dismissal.
11. The respondent shall pay to the claimant £2,423.84, being an uplift of 15% on the damages and compensation a consequence of the unreasonable failure of the respondent to comply with the ACAS Code of Practice on Disciplinary and Grievance procedures.

Employment Judge D N Jones

Date: 23 September 2020

SCHEDULE OF REMEDY

1. Damages for wrongful dismissal of one month,
6/2/2019 to 6/3/2019 £ 990.00

2. Compensation for discrimination

Loss of earnings from 6/3/2019 to 30/8/2019

25 weeks @ £228.46 pw, being £5,711.50

Less 50% for failure to mitigate loss £ 2,855.75

Loss of maternity pay

6 weeks at 228.46 pw x 90% £ 1,233.68

33 weeks @ £148.68pw £ 4,906.44

Sub-total for losses of earnings and maternity pay £ 8,995.87

Interest at 8% from mid-point of loss to hearing, 9 months £ 539.75

Injury to feelings £ 5,000.00

Interest at 8% for 19 months,

February 2019 to September 2020 £ 633.33

Total compensation for discrimination £15,168.95

3. Uplift for unreasonable failure to comply with the ACAS Code of Practice

£990 and £15,168.95 (£16,158.95) x 15% £2,423.84