



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms A Akhtar

**Respondent 1:** Ms D Morgan

**Respondent 2:** Debbie Morgan Publican Ltd

**HELD by** CVP at Sheffield

**ON:** 17 February 2021

**BEFORE:** Employment Judge Little

## REPRESENTATION:

**Claimant:** In person

**Respondents:** No attendance or appearance (both respondents struck out by a Judgment dated 27 January 2021)

# JUDGMENT

Upon hearing from the claimant, considering the Tribunal's file and also the bundle of documents prepared by the claimant, my Judgment is that:-

1. The claim which comprises the following complaints:-

- Automatically unfair dismissal because of pregnancy or maternity.
- Ordinary unfair dismissal.
- Discrimination because of pregnancy or maternity.
- Unauthorised deduction from wages (including failure to pay at the correct National Minimum Wage rate).
- Wrongful dismissal (breach of contract).
- In respect of holiday pay.
- Compensation for the employer failing to provide written reasons for the dismissal.
- Additional award for failure to provide a written statement of terms and conditions of employment.

succeeds.

2. The second respondent, Debbie Morgan Publican Ltd was the claimant's employer at the material time.
3. Accordingly the compensation which is ordered to be paid as set out in paragraph 5. below is payable by the second respondent to the claimant forthwith.
4. However in respect of the award for maternity/pregnancy discrimination by way of injury to feelings, that award which I have assessed at £10,000 plus interest of £694.23, is payable jointly and severally by both respondents. Under the Employment Tribunal (Interest on Discrimination Awards) (Amendment) Order 2013 the interest rate is 8% per annum. Interest is awarded from the date of the discriminatory act (6 April 2020) to the day of the hearing, 17 February 2021. That is a period of 317 days. The daily interest rate is £2.19 and accordingly the award of interest is £694.23.
5. In respect of the other complaints the awards made are as follows:
  - 5.1. Unauthorised deduction from wages – statutory maternity pay - £4454.60
  - 5.2. Unauthorised deduction from wages – shortfall because correct National Minimum Wage rate not paid £621.30.
  - 5.3. In respect of unfair dismissal the claimant is awarded a basic award in the amount of £332.10 and a compensatory award of £9156 (comprising £8856 for future loss of earnings and £300 for loss of statutory rights.)
  - 5.4. Wrongful dismissal – damages awarded of two weeks' net pay to reflect notice pay entitlement - £420.
  - 5.5. Holiday pay in respect of accrued but untaken holiday for the holiday year which commenced in August 2019 and ended when the claimant was dismissed on 6 April 2020 – 18 days at £32 per day - £576.
  - 5.6. Compensation for failure to provide written reasons for dismissal – two weeks' pay - £442.80.
  - 5.7. Additional award pursuant to Employment Act 2002, section 38 for failure to provide written statement of terms and conditions of employment – a higher award of four weeks - £885.60.

### **Summary**

6. Accordingly the total award which is payable solely by the second respondent is £16888.40. In addition the award in respect of maternity discrimination, £10694.23, including interest, is payable by the respondents jointly and severally.

7. The Recoupment Regulations do not apply.

Employment Judge Little  
Date 24<sup>th</sup> February 2021