



# EMPLOYMENT TRIBUNALS

**Claimant:** Mrs S Wolczynska

**Respondent:** Wimbledon Automobiles Ltd

**Heard at:** London South Employment Tribunal

**On:** 15 November 2019

**Before:** Employment Judge Martin

**Representation**

**Claimant:** In person

**Respondent:** Did not attend

## JUDGMENT

1. The Claimant's claim for unfair dismissal is successful. The Respondent shall pay the following compensation for unfair dismissal:
  - a. Basic award: 1,470
  - b. Compensatory award: £6,750.00
2. The Respondent discriminated against the Claimant based on pregnancy and maternity leave. The Respondent shall pay injury to feelings of £8,000.
3. The Respondent failed to provide a statement of terms and conditions of employment as required by s1 Employment Rights Act 1996 and is ordered to pay £735.00 to the Claimant.

## REASONS

1. The Claimant presented a claim on 18 June 2019 for unfair dismissal, discrimination on the grounds of pregnancy/maternity leave and failure to provide a written statement of terms and conditions.
2. A response was entered by the Respondent which stated it did not defend the claims and would not be attending any hearing. Accordingly, even though this hearing was a preliminary hearing it was appropriate to enter judgment and assess remedy.

3. The Claimant was dismissed on 29 March 2019 two days short of reaching two years employment. Pursuant to s Employment Rights Act 1996 the statutory period of notice of one week is added to her employment as no notice was given by the Respondent which means she had the necessary period of two years to bring an unfair dismissal claim.
4. In any event the Claimant was automatically unfairly dismissed as the reason for dismissal was her pregnancy and or maternity leave. Even though the Respondent states in its response that business was declining, there was no explanation in the response as to why the Claimant's employment was terminated and in the absence of any meaningful defence the Tribunal has accepted what the Claimant has put in her claim form which she confirmed to be true at the hearing and finds that the reason for dismissal was the Claimant's pregnancy and taking of maternity leave.
5. The Claimant told me about the impact her dismissal had on her health. She described having low self-esteem, high blood pressure (which she had not had before) resulting in her being given medication, high levels of stress and confusion. Taking this into account I assessed her injury to feelings at the top end of the lower Vento band and award £8,000 for injury to feelings.
6. The Claimant's compensatory award was limited to losses up to the date of this hearing as the Claimant has taken no significant steps to mitigate her loss by finding alternative employment. Whilst I accept that finding employment for 15 hours per week with much of that time working from home (as she did for the Respondent) would be difficult, there was no evidence of any effort to find alternative work. It is just and equitable to award compensation to the date of the hearing only.
7. The Respondent did not give the Claimant written statement of terms and conditions of employment and no defence was given to this aspect of her claim. Accordingly, I award four weeks pay being the maximum amount permitted for this head of claim.

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Employment Judge Martin

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Date: 29 October 2019