



EMPLOYMENT TRIBUNALS

Claimant: Mrs AL Campbell

Respondent: Quirky Tea Rooms Ltd

CERTIFICATE OF CORRECTION **Employment Tribunals Rules of Procedure 2013**

Under the provisions of Rule 69, the Judgment sent to the parties on 13 December 2021, is corrected as set out in block type at paragraphs 10 and 11.

Employment Judge Dunlop
Date: 21 January 2022

SENT TO THE PARTIES ON

18 February 2022

FOR THE TRIBUNAL OFFICE

Important note to parties:

Any dates for the filing of appeals or reviews are not changed by this certificate of correction and corrected judgment. These time limits still run from the date of the original judgment, or original judgment with reasons, when appealing.



EMPLOYMENT TRIBUNALS

Claimant: Mrs AL Campbell

Respondent: Quirky Tea Rooms Ltd

Heard at: Manchester Employment Tribunal

On: 15, 16, 17 June, 7 and 8 December 2021

Before: Employment Judge Dunlop
Mrs CA Titherington
Mr A Egerton

Representation

Claimant: Mr J Campbell (Husband)

Respondent: Mr D Flood (Counsel)

JUDGMENT

1. The claimant is permitted to amend her claim to include a claim for underpayment of notice pay. That claim succeeds, and the respondent is ordered to pay the claimant the gross sum of **£43.76**.
2. The claimant's claim for payment for accrued untaken holiday succeeds. The respondent is ordered to pay the claimant the gross sum of **£267.94**.
3. The claimant's claim of unauthorised deductions from wages, relating to the deduction of national insurance from her statutory maternity pay succeeds. The respondent is ordered to pay the claimant the sum of **£17.35**.
4. The claimant's claim of discrimination on the grounds of pregnancy and maternity under ss. 18 and 39(2) Equality Act 2010 succeeds in part. Specifically, the respondent discriminated against the claimant by:
 - 4.1 Dismissing her;
 - 4.2 Subjecting her to a detriment; that being the respondent's course of conduct between 11 September and 20 October 2019 in responding to the claimant's requests for information regarding statutory maternity pay, holiday pay or payslips, including the knowing underpayment of maternity pay on 4 October 2019.

5. The claim fails in relation to the other alleged detriments advanced by the claimant.
6. The respondent is ordered to pay the claimant the net sum of **£2,909.35** as compensation for financial losses sustained as a result of the discriminatory dismissal. (This sum was calculated by the parties and is an agreed amount.)
7. The respondent is ordered to pay interest on the above amount in the sum of **£402.37**. This is calculated as simple interest at the rate of 8% per annum, calculated from the midpoint of the loss of earnings period (17 March 2020) to the date of the remedy hearing (8 December 2021).
8. The respondent is ordered to pay the claimant the sum of **£17,750.00** as compensation for injury to feelings sustained as a result of the acts of discrimination found by the Tribunal.
9. The respondent is ordered to pay interest on the above amount in the sum of **£3,034.52**. This is calculated as simple interest at the rate of 8% per annum, calculated from the end date of the discriminatory conduct found by the Tribunal (20 October 2019) to the date of the remedy hearing (8 December 2021).
10. **The claimant's claim under s.45A Employment Rights Act 1996, that she was subjected to detriment on the grounds of having alleged that the respondent had infringed her rights under the Working Time Regulations 1998 fails and is dismissed.**
11. **The claimant's claim under s.104 Employment Rights Act 1996, that she was unfairly dismissed on the grounds of having asserted a statutory right fails and is dismissed.**
12. The respondent failed to provide the claimant with a statement of her terms and conditions of employment. In accordance with s38(3) Employment Act 2002, the Tribunal increases the award payable to the claimant by **£753.20**, being four weeks' pay.
13. The total sum payable to the claimant by the respondent in respect of all of her successful claims is therefore **£25,178.49**.
14. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply.

Employment Judge Dunlop
Date: 9 December 2021

SENT TO THE PARTIES ON
13 December 2021

FOR EMPLOYMENT TRIBUNALS

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.

Public access to employment tribunal decisions

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2414334/2019**

Name of case: **Mrs A L Campbell** v **Quirky Tea Rooms Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant judgment day" is: 13 December 2021

"the calculation day" is: 14 December 2021

"the stipulated rate of interest" is: **8%**

Mr S Artingstall
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".
3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.
4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).
5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.
6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.