



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Ms Fuller

Respondent
Stuart Franklin Estate Agents Ltd (R1)
Mr S Franklin (R2)

AND

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Midlands West **ON** 8 February 2022

EMPLOYMENT JUDGE Harding

Representation

For the Claimant: In Person

For the Respondent: No attendance (no defence entered)

JUDGMENT

1 The claimant's claim of direct discrimination because of pregnancy/maternity contrary to sections 18 and 39 of the Equality Act 2010, which is pursued against R1 and R2, fails and is dismissed against both respondents.

2 The claimant's claim of detriment on the grounds of having made a public interest disclosure contrary to section 47B of the Employment Rights Act 1996, which is pursued against R1 and R2, fails and is dismissed against both respondents.

Note: written reasons will not be provided unless requested at the Hearing itself or in writing within 14 days of the sending of the written record of the decision, Rule 62(3).

3 The claimant's claim of automatically unfair dismissal contrary to section 103A of the Employment Rights Act 1996, which is pursued against R1, fails and is dismissed.

4 The claimant's claim of ordinary unfair dismissal contrary to section 94 of the Employment Rights Act 1996 succeeds against R1. R1 is ordered to pay to the claimant compensation in the sum of £22,959.12 (see attached annex).

5 An award of 4 weeks pay is made under Section 38 of the Employment Act 2002 (failure to provide employment particulars) against R1. R1 must pay to the claimant an award in the sum of £1, 953.16.

6 The claimant was dismissed in breach of contract. R1 must pay to the claimant damages in the sum of £3,226.32 (see attached annex).

7 R1 has made an unauthorised deduction from the claimant's wages and is ordered to pay the claimant the **gross** sum of £1,613.32 (wages and commission) **subject to such deductions as it is entitled to make on behalf of tax and national insurance**, see attached annex.

8 R1 has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the sum of £ 2, 589.05.

9 The Recoupment Regulations apply.

Case No:1300019.21
Employment Judge Harding
Dated: 14 February 2022

JUDGMENT SENT TO PARTIES ON
14/03/2022

FOR THE TRIBUNAL OFFICE