



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Miss Agata Plewa

v

Homefield Grange Retreat Limited

Heard at: Norwich (hybrid CVP and In Person)

On: 24 May 2022

Before: Employment Judge Postle

Members: R Allan and S Blunden

Appearances

For the Claimants: Miss B Suwalska, Friend

For the Respondent: Mrs Peck, Director

Interpreter: Miss K Isabella, Polish speaking

REMEDY JUDGMENT

1. The Respondent is Ordered to pay compensation to the Claimant in the total sum of: **£14,257.44**
2. The award is not subject to recoupment.

REASONS

1. This is a Remedy Hearing following the Employment Tribunal's Reserved Judgment that the Claimant had been subjected to less favourable treatment because of her pregnancy; namely dismissal. Further, the Claimant's dismissal was automatically unfair due to her pregnancy pursuant to the Employment Rights Act 1996.
2. In this morning's Hearing, the Claimant has provided an Impact Statement. We have a Schedule said to be the Claimant's earnings in the period 2018 – 2021 which is not evidenced by pay slips. The Claimant has also produced a Bundle of documents consisting of 76 pages of various invoices, pay slips, P60s for the tax years and the P45. There is also a document described as an updated Schedule of Loss, but which has no calculations as to how those figures have been arrived at.

3. In this morning's Hearing, we have heard evidence from the Claimant and Mrs Peck on behalf of the Respondent has had the opportunity to question the Claimant.
4. Both Miss Suwalska and Mrs Peck have also had an opportunity to address the Tribunal in closing.
5. The Tribunal doing the best they can with the information available to them, have concluded as follows, in relation to financial compensation.
6. It would appear from the pay slips that the Claimant's average weekly wage in April, May and June was £270.99. The Tribunal did not use the July pay slip as this represented a false picture as this included what was said to be an ex gratia payment and holiday pay. The ex gratia payment was taken into account when assessing the Claimant's financial losses.
7. Therefore, for the period 1 August 2018 until 11 February 2019 when the Claimant ceased work prior to the birth of her child, is a 28 week period. Had the Claimant remained employed by the Respondent, she would have earned £7,587.72.
8. From the information available to the Tribunal, it appears that the Claimant has in that period worked for 511 hours at £12.00 per hour, that means she has earned £6,139.57 for that period; which equates to £1,448.15.
9. The period March 2019 to 18 November 2019, the Claimant was on maternity leave receiving maternity allowance.
10. The Claimant tells us that she returned to work on 18 November 2019 and to the period 9 March 2020 the Claimant appears in that period (16 weeks) to have worked 226 hours, again at £12.00 per hour, which equates to £2,712.00. Had she remained employed by the Respondent in that 16 week period at £270.99 per week, she would have earned £4,335.84. Therefore the loss for that period is £1,623.84.
11. The next period covers the period when the government were paying furlough and suggested everybody stay at home. On the basis that the Respondents would have paid 80% of the Claimant's income, that would equate to £216.79 per week. The period in question is 23 March 2020 to 13 July 2020, being 17 weeks, which equates to £3,685.43.
12. The financial compensation before considering injury to feelings amounts to £6,757.42.
13. In relation to injury to feelings, the Tribunal reminds itself of the Vento guidelines being a Court of Appeal case which identified three broad bands of compensation for injury to feelings and gave guidance in relation to the top band, £27,400 to £45,600 at the present time.
14. The middle band being £9,100 to £27,400 at the present time.

15. The lower band being £900 to £9,100 at the present time.
16. Clearly, the top band will only be awarded in the most serious cases such as where there has been a lengthy campaign of discriminatory harassment on the grounds of sex or race. This would be an exceptional case for an award of compensation for injury to feelings in this bracket.
17. The middle band is used for serious cases.
18. The lower band being for less serious cases such as where the act of discrimination is an isolated or one off occurrence, as was the case in the Claimant's case where the only act of discrimination was being dismissed when the Respondents were aware the Claimant was pregnant.
19. It is on that basis the Tribunal have assessed the Claimant's award for injury to feelings at £7,500.
20. That makes the total award payable by the Respondents to the Claimant in the sum of: **£14,257.42**

Employment Judge Postle

Date: 30 June 2022

Sent to the parties on 7 July 2022

N Gotecha

For the Tribunal Office.