



EMPLOYMENT TRIBUNALS

Claimant: Hayley Bates

Respondent: A.S.H Elite Equine Ltd

Heard at: Reading Employment Tribunal (via CVP)

On: 02 February 2023

Before: Employment Judge Bunting

Appearances

For the Claimant: Mr S Thakerar (counsel)

For the Respondent: No attendance

JUDGMENT

The Judgment of the Tribunal is that :

1. The claim relating to a failure to consult during a TUPE transfer was presented out of time, and it was reasonably practicable for the Claimant to have presented it in time under Reg 15 TUPE Regulations. Therefore, the Tribunal does not have jurisdiction to hear the claim, and the claim is dismissed.
2. The claimant was automatically unfairly dismissed under section 99 of the Employment Rights Act 1996 because the principal reason for her dismissal related to pregnancy and maternity. Her claim for unfair dismissal succeeds.
3. The Claimant is awarded the sum of **£1,088.00** for the unfair dismissal.
4. The Claimant is awarded an injury to feelings award, inclusive of interest, for the discrimination found of **£12,500.00**
5. The Claimant is awarded damages for loss of wages to the date of the remedies hearing of **£7,807.66** (the total wages lost of £9,837.66 net, less the £2,030 earned by the Claimant in that period of time).

6. The Claimant is awarded damages for the loss of accommodation (valued at £15,000), plus the loss of stabling (valued at £3,600) to the date of the remedies hearing of **£18,600.00**.
7. The Claimant is awarded damages for the loss of pension contributions to the date of the remedies hearing of **£897.26**.
8. The Claimant is awarded damages for loss of statutory rights in the sum of **£500.00**.
9. The Claimant is awarded damages for future loss of net wages for 13 weeks from 6 April 2023 (the date of the end of her maternity allowance) until 6 July 2023 of **£6,089.98**.
10. The Claimant's claim for unauthorised deductions from wages contrary to section 13 of the Employment Rights Act 1996 is well founded. The Respondent failed to pay the full wages that were properly payable to her
11. The respondents failed to pay to the claimant her accrued and untaken holiday entitlement in the sum of 29 days accruing at the weekly rate of £468.46 net. The respondent is ordered to pay to the claimant the sum of **£2,717.91**.
12. The respondent having failed to comply with the ACAS Code of Practice the awards at paragraphs 4 – 11 that I have made to the claimant are uplifted by 10% in accordance with the provisions of section 124A of the Employment Rights Act in the sum of £4,911.27. The respondent is ordered to pay to the claimant the further sum of **£4,911.27**.

DATE: 03 February 2023

Employment Judge Bunting

Sent to the parties on:

16/3/2023

For the Tribunal:

NG

Notes

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.