



EMPLOYMENT TRIBUNALS

Claimant: Ms J Walker

First Respondent: Real Life Oldham Limited

Second Respondent: Mr Tyler Mullings

Heard at: Manchester

On: 17 – 19 July 2023

Before: Employment Judge Cookson sitting with Mr Q Colborn and Ms A Berkley-Hill

REPRESENTATION:

Claimant: in person

Respondent: Ms Mayhew-Hills (litigation consultant)

JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The complaint that the claimant's dismissal was unlawful discrimination contrary to s18 of the Equality Act 2010 because of her pregnancy is upheld against the first and second respondent.
2. The complaint that the claimant was unfairly dismissed contrary to s99 of the Employment Rights Act (ERA) is upheld.
3. The complaint that the First Responded failed to provide written reasons for dismissal pursuant to s93 of the ERA is admitted.
4. The complaint that the First Responded failed to provide a written statement of employment particulars in accordance with sections 1 – 4 of the ERS is upheld.

REMEDY

5. In relation to the unlawful discrimination contrary to the s18 of the Equality Act the claimant is awarded the following sums:
 - a. Past loss of earnings in the net figure of £8353.87. This was calculated as follows:

For the period between 25 November 2021 and 6 March 2022 (when the claimant began maternity leave):

 - i. £5,026.92 (17.28 weeks x net earnings of £290.91) for expected earnings
 - ii. Expected maternity pay of £5,416.30;
 - iii. Less £3,852.23 deducted for monies received during this period.

For the period between 26 December 2022 when the claimant's maternity leave ended to 19 June 2023 when she began new employment

 - iv. Loss of earnings calculated on the basis that due to childcare costs the claimant would have only worked 12 hours per week at the applicable National Minimum Wage rate: £1,762.88.
 - b. No award is made in relation to future loss.
6. Interest is awarded on the figure calculated above calculated at the statutory rate of 8% and on the basis of a mid-point date of 22 September 2022. A sum of £548.01 is awarded.
7. The sum of £12,000 is awarded for injury to feelings. Interest on that sum is awarded at the statutory rate of 8%. Interest of £1,584 is awarded.
8. No award is made in relation to the complaint of unfair dismissal.
9. In relation first respondent's failure to provide written reasons for the claimant's dismissal, the claimant is awarded the sum of £668.80 (2 weeks x gross weekly pay of £334.40).
10. In relation to the first respondent's failure to provide a written statement of employment particulars the claimant is awarded the sum of 668.80 (two weeks ex-gross weekly pay of £334.40).
11. **The claimant is awarded the total sum of £23,823.48 The first and second respondents are jointly and severally liable for the total of £22,485.88 awarded in relation to unlawful discrimination. The first respondent only is liable for the remaining balance of £1,337.60.**
12. Recoupment does not apply in this case.

Employment Judge Cookson

19 July 2023

JUDGMENT SENT TO THE PARTIES ON
27 July 2023

FOR THE TRIBUNAL OFFICE

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2400787/2022**

Name of case: **Ms J Walker** v **1. Real Life Oldham Ltd**
2. Tyler Mullings

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 27 July 2023

the calculation day in this case is: 28 July 2023

the stipulated rate of interest is: **8% per annum**.

Mr S Artingstall
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:
www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.