



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

and

Respondent

Ms Connie Marie Maureen Bielby

**Churston Court Inn Ltd (1)
Jamie Watts (2)
Ronald Hughes (3)**

Held at: Exeter by Video

On: 31 August 2023

Before: Employment Judge Smail

Appearances

Claimant: Mr J. Dunkley, Solicitor

Respondents: No Appearance

JUDGMENT

Preamble

The claims were issued by way of a claim form dated 1st November 2022 (1403454/2022) in relation to all three Respondents and a further claim form dated 6th March 2023 (1401037/2023) in relation to the Third Respondent only. The Respondents failed to present valid responses and did not attend the hearing. The Tribunal proceeded to hear and determine the claims in the absence of the Respondents and in the absence of Respondent's ET3's in accordance with rules 21 and 47 of the Rules of Procedure.

IT IS ORDERED:

1. It is just and equitable to extend time to the date of presentation in respect of claim no. 1401037/2023.

The First Respondent:

- 2.1 The First Respondent wrongfully dismissed the Claimant and is ordered to pay the Claimant one week's notice pay of £350.
- 2.2 The First Respondent failed to provide the Claimant with a statement of terms as required by s.1 Employment Rights Act 1996 and is ordered to pay the Claimant 4 weeks gross pay in accordance with s.38 Employment Act 2002 amounting to £1400.
- 2.3 The First Respondent by the Second and Third Respondents treated the Claimant unfavourably on grounds of her pregnancy contrary to section 18(2) of the Equality Act 2010 and automatically unfairly dismissed the Claimant for pregnancy related reasons contrary to section 99 of the Employment Rights Act 1996, by reason of the following:
- 2.3.1 The Second Respondent ignored the Claimant when compared with his behaviour towards other employees following the Claimant's notification to the Second Respondent that she was pregnant.
 - 2.3.2 The Second Respondent failed to assist the Claimant regarding lifting and other tasks that she struggled with as a result of her pregnancy, informing the Claimant that she was "not that pregnant".
 - 2.3.3 On the 11th April 2022 the Second Respondent said to the Claimant that she was "taking the piss", referring to her pregnancy related sickness absences.
 - 2.3.4 When the Claimant became irritated by the Second Respondent's lack of assistance, the Second Respondent called the Claimant "hormonal".
 - 2.3.5 The Second and Third Respondents responded to the Claimant's complaints about her treatment by widely varying her previously largely fixed hours (to mostly less than the promised 35 hours per week but in one case, 43 hours which was in excess of what was comfortable at that time in her pregnancy).
 - 2.3.6 The Third Respondent failed to respond or otherwise communicate with the Claimant in respect of her concerns.
 - 2.3.7 The Third Respondent said to the Claimant that she was "getting fat" in front of staff and customers.

- 2.3.8 The Second Respondent dismissed the Claimant summarily on the 2nd August 2022 by sending her a text message stating, “you’re causing issues don’t bother coming in”.
- 2.3.9 The Third Respondent confirmed on 3rd August 2022 that the Second Respondent would “sooner give hours to staff that supported him” after the Claimant complained about her unfair treatment.
- 2.3.10 The Third Respondent supported the Second Respondent’s unlawful dismissal; and
- 2.3.11 When the Claimant challenged the Third Respondent for the reasons for her dismissal, he ignored her complaints and said he was off to play golf.
- 3 The First Respondent is ordered to pay the Claimant £20,000 by way of compensation for injury to feelings. The Claimant is also entitled to a 25% uplift on this award due to the First Respondent’s breach of the ACAS Code of Practice on Disciplinary and Grievance Procedures of £5,000. The First Respondent is ordered to pay the Claimant interest on the award at the rate of 8% per annum from 22nd February 2022 to 31st August 2023 of £3,046.58 making the total award £28,046.20.
- 4 The Claimant’s basic award for unfair dismissal is £0.00 as she was employed for less than 1 year. She also suffered no direct losses so her compensatory award is £0.00.
- 5 In total, the First Respondent is ordered to pay the Claimant **£29,796.20** within 14 days.

The Second Respondent and the Third Respondent (section 110 Equality Act 2010)

- 6 Should the First Respondent be unable or unwilling for any reason to pay all or part of the award, the Second Respondent is ordered to pay the Claimant £5000 for injury to feelings together with interest at 8% per annum from 22nd February 2022 to 31st August 2023 of £761.65, i.e. **£5761.65** and
- 7 The Third Respondent is ordered to pay the Claimant £15,000 for injury to feelings together with interest at 8% per annum from 22nd February 2022 to 31st August 2023 of £2284.96, i.e. **£17,284.94**.

Full oral reasons were given at the hearing. If any party requires written reasons, they must email the Tribunal within 14 days of this Judgment being sent to the parties.

Employment Judge Smail
04 September 2023

Judgment sent to the parties on 22 September 2023

For the Tribunal Office