



EMPLOYMENT TRIBUNALS

Claimant: Mrs J Endler

Respondent: Mrs Victoria Henderson t/a The Spirit Group

Heard at: Manchester

On: 24 August 2023

Before: Employment Judge Phil Allen

REPRESENTATION:

Claimant: In person

Respondent: Did not attend and was not represented

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claimant did have a disability at the relevant time as defined by section 6 of the Equality Act 2010. Her disabilities were psoriasis, psoriatic arthritis, and type 2 diabetes.
2. The respondent did treat the claimant unfavourably by dismissing her because of something arising in consequence of her disability. The claim for discrimination arising from disability under section 15 of the Equality Act 2010 succeeds.
3. The respondent breached the duty to make reasonable adjustments. The claim for failure to comply with the duty to make reasonable adjustments under sections 20 and 21 of the Equality Act 2010 succeeds.
4. The respondent did treat the claimant unfavourably because of her pregnancy by dismissing her. The claim for discrimination because of pregnancy under section 18(2)(a) of the Equality Act 2010 succeeds.
5. The principal reason for the claimant's dismissal was that she was pregnant. The claim for automatic unfair dismissal under section 99 of the Employment Rights Act 1996 succeeds.
6. At the time that the claim was entered the respondent was in breach of the duty to provide a statement of employment particulars to the claimant in

breach of section 1 of the Employment Rights Act 1996. Section 38 of the Employment Act 2002 applied.

7. The respondent breached the claimant's contract of employment in respect of notice.
8. The respondent failed to pay the claimant for annual leave due.
9. The respondent must pay the claimant the sum of **£108.06** as damages for the breach of contract regarding notice.
10. The respondent must pay the claimant the sum of **£277.87** in respect of annual leave.
11. As a result of the respondent's unlawful discrimination, the respondent is ordered to pay the claimant compensation for injury to feelings of **£15,000**.
12. The claimant is awarded damages for losses arising from the discrimination found in the sum of **£6,484** (based upon 60 weeks lost pay) and the respondent must pay the claimant that amount.
13. The award made to the claimant for discrimination is increased by the higher amount (of four weeks pay) as a result of the failure to provide the claimant with a statement of employment particulars, and the award for discrimination is accordingly increased by the sum of **£432** (which must also be paid by the respondent to the claimant).
14. The respondent is also ordered to pay the claimant interest on the injury to feelings award in the sum of **£1,805**.
15. The respondent is also ordered to pay the claimant interest on the general damages for discrimination in the sum of **£519**.

Employment Judge Phil Allen

24 August 2023

JUDGMENT SENT TO THE PARTIES AND ENTERED ON THE REGISTER
8 September 2023

FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2403406/2022**

Mrs J Endler v Mrs Victoria Henderson t/a The Spirit Group

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 8 September 2023

"the calculation day" is: 9 September 2023

"the stipulated rate of interest" is: **8%**

Mr P Guilfoyle
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.