



EMPLOYMENT TRIBUNALS

Claimant: Miss L Collins

Respondent: Walmersley Chippy Limited

Heard at: Manchester Employment Tribunal (by video)

On: 15, 16 and 17 November 2023

Before: Employment Judge Dunlop
Ms E Cadbury
Mrs C Bowman

Representation

Claimant: In person

Respondent: Mrs P Pourmohamed-Scholes

JUDGMENT

1. The claimant's claim under s57 Employment Rights Act 1996 that the respondent failed to pay for her for time off in for ante-natal care succeeds. The respondent is ordered to pay the claimant **£13.37** in respect of an appointment on 24 November 2021 and **£44.55** in respect of an appointment on 26 January 2022.
2. By failing to pay the claimant for her time off for ante-natal appointments, the respondent has discriminated against the claimant on grounds of her pregnancy, contrary to s.18 Equality Act 2010.
3. The claimant's other claims of discrimination under s.18 are not well-founded. That means they do not succeed.
4. The claimant was not constructively dismissed by the respondent. The claimant's claim that she was unfairly dismissed under s.99 Employment Rights Act is not well-founded. That means it does not succeed.
5. The respondent is ordered to pay the claimant the sum of **£1,000** for damages for injury to feelings arising from the discrimination we found to have taken place.

6. Interest is payable on the injury to feelings award at the rate of 8% from 25 December 2021 to the date of the hearing. That equates to **£150.94**.
7. The Tribunal makes an additional award of two weeks' pay under s.38 Employment Rights Act 2002 (failure to give statement of employment particulars). Based on the claimant's normal working hours of 20 hours per week, this amounts to **£356.40**.
8. The total award payable by the respondent to the claimant is **£1,565.26**.

Employment Judge Dunlop

Date: 17 November 2023

SENT TO THE PARTIES ON

Date: 23 November 2023

FOR EMPLOYMENT TRIBUNALS

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

Tribunal case number: **2409560/2022**

Miss L Collins v Walmersley Chippy Limited

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: 23 November 2023

"the calculation day" is: 24 November 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.