



EMPLOYMENT TRIBUNALS

Claimant: Miss S Scerbinskaite

Respondents: (1) Grikis Ltd
(2) Daiva Lukoseviciene
(3) Stanislovas Paulauskas

Heard at: East London Employment Tribunal

On: 13 November 2023

Before: Employment Judge C Lewis
Members: Ms M Legg
Mr S Woodhouse

Representation

Claimant: Mr R Anderson - Counsel
Respondents: Did not attend and had not submitted a Response

JUDGMENT

The unanimous decision of the Tribunal is that:

1. Pregnancy discrimination

- 1.1 The Claimant was subjected to unfavourable treatment because of her pregnancy by the First and Second Respondent between 27 March 2023 and 27 April 2023, contrary to section 18 of the Equality Act 2010, including in deciding to dismiss her on 17 April 2023;
- 1.2 The Claimant was subjected to unfavourable treatment because of her pregnancy by the Third Respondent in dismissing her on 17 April 2023, her pregnancy being a material influence on that decision;

2. Health and safety

- 2.1 The Claimant's employer, the First Respondent, subjected her to detriments between 27 March 2023 and 27 April 2023 for having raised health and safety concerns in circumstances which fall under 44 (c) of the Employment Rights Act 1996;

- 2.2 The Claimant was dismissed for raising health and safety concerns, contrary to s 100 (1) (c) of the Employment Rights Act 1996.

REMEDY

The claimant was employed for less than 2 years and is therefore not entitled to a basic award.

The Tribunal considers that it is just and equitable to award the Claimant the following compensation:

1.1 **Loss of earnings from 17 April 2023 to date of hearing, 13 November 2023 in the sum of £3249.11**, calculated as follows:

- 1.1.1 19 weeks @ £195.00 from dismissal to 30 August 2023, the date the Claimant was due to go on maternity leave = £3705.00;
- 1.1.2 Loss of income from 30 August 2023 to 11 October 2023 [6 weeks SMP @ 90% of full pay £175.50 x 6] = £1053.00;
- 1.1.3 Loss of income from 12 October 2023 to 13 November 2023 -SMP 4.5 weeks @ £172.48 per week = £776.16;
- 1.1.4 Less SSP received in error between 17 April 2023 and 22 September 2023 @ £99.35 per week = £2285.05;

Total award in respect of loss to date of hearing = **£3249.11**.

1.2 **Future loss of earnings in the sum of £5695.68**, calculated as follows:

- 1.2.1 28.5 weeks from 13 November 2023 to end of maternity leave period @ £172.48 = £4915.68;
- 1.2.2 A further 4 weeks @ £195 for Claimant to find new employment;

Total award for future loss = **£5695.68**

1.3 **The total award for loss of earnings is £8944.79**

2. **Injury to Feelings**, including an element of aggravated damages: in the sum of **£32,500.00**.

3. **Interest in the sum of £1708.81**, calculated as follows:

- 3.1 On loss of earnings from mid-point between 26 April 2023 and 13 November 2023 [£3249.11 @ 8% = £0.71 per day x 100 days] = £71.21;
- 3.2 On injury to feelings – from 27 March 2023 to 13 November 2023 [£32,500.00 @ 8% = £7.12 per day x 230 days] = £1637.60.

4. Recoupment

- 4.1. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply:
- a. The total monetary award payable to the claimant for unfair dismissal is **£8944.79**
 - b. The prescribed element is **£3249.11**.
 - c. The period of the prescribed element is from 26 April 2023 and 13 November 2023
 - d. The difference between (a) and (b) is **£5695.68**

Employment Judge C Lewis
Dated: 24 November 2023