



EMPLOYMENT TRIBUNALS

Claimant: Mrs I Brzozowska

Respondent: Danas Family Bakery Limited

Heard at: Newcastle CFCTC **On:** 26 – 28 February 2024

Before: Employment Judge Arullendran

Ms D Winter
Mr D Morgan

Representation:

Claimant: Mr Frank Ferguson (Sunderland Welfare Rights adviser)
Respondents: Ms E Mayhew-Hills (litigation consultant)

JUDGMENT

The unanimous Judgment of the Employment Tribunal is as follows:

1. The claimant's claim for breach of contract in relation to notice pay is dismissed upon withdrawal.
2. The complaint of automatic unfair dismissal is well-founded. The claimant was unfairly dismissed.
3. The respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015 and it is just and equitable to increase the compensatory award payable to the claimant by 20% in accordance with section 207A of the Trade Union & Labour Relations (Consolidation) Act 1992.
4. The respondent shall pay the claimant the following sums for unfair dismissal:
 - a. A basic award of £160.00
 - b. A compensatory award of £1382 plus 20% uplift of £276.40 = £1658.40
5. The complaint of pregnancy-related discrimination is well-founded and succeeds.
6. The respondent shall pay to the claimant compensation for injury to feelings in the sum of £2,500.00. No interest is awarded on this compensation.

7. The complaint of being subjected to a detriment for reasons relating to pregnancy is not well-founded and is dismissed.
8. The Employment Protection (Recoupment of Jobseeker's Allowance & Income Support) Regulations 1996 apply:
 - a. Grand total = £4318.40
 - b. Prescribed element = £1382.00
 - c. Period of prescribed element from 5 March 2023 to 24 June 2023
 - d. Excess of grand total over the prescribed element = £2936.40

Employment Judge Arullendran

Date: 28 February 2024

Note: Reasons for the judgment having been given orally at the hearing and no request for written reasons having been made at the hearing, written reasons will not be provided unless 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.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>