



# EMPLOYMENT TRIBUNALS

## BETWEEN

**Claimant:** Miss Paula Miluska

**Respondents:** (1) Mr. Rahman Hussain  
(2) Mr. Ammar Kabir  
(5) Roman Property Group Limited

**SITTING AT:** Birmingham (Midlands West)

**ON:** 29 and 30 May 2024

**BEFORE:** Employment Judge G Smart  
Miss S Fritz  
Mr. P Tsouvallaris

## JUDGMENT OF THE EMPLOYMENT TRIBUNAL

On hearing for the Claimant in person and Mr. Hussain, Litigation Consultant for the Respondent (and not to be confused with the First Respondent):

Concerning the Fifth Respondent:

1. The Following claims are well founded and succeed:
  - a. Under s39 Equality Act 2010:

unless they have been requested in writing by any of the parties within 14 days of the date this judgment was sent to the parties. Public access to employment tribunal decisions: Note that both judgments and reasons for the judgments are published in full online at [www.gov.uk/employmenttribunal-decisions](https://www.gov.uk/employmenttribunal-decisions) shortly after a copy has been sent to the parties. **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-practicedirections/>

- i. Discriminatory dismissal due to unfavourable treatment because of illness as a result of the Claimant's pregnancy in breach of section 18 (2) (b).
- ii. Detriment due to failing to pay 3 days' wages as unfavourable treatment because of illness as a result of the Claimant's pregnancy in breach of section 18 (2) (b).

The reasons for this decision were given orally at a hearing. Written reasons will not be provided

b. Under the Employment Rights Act 1996:

- i. The Claimant's claim for automatic unfair dismissal in breach of s99 and regulation 20 Maternity and Parental Leave etc. Regulations 1999 is well founded and succeeds.
- ii. Unlawful deduction of 3 days' wages in breach of s13 succeeds.
- iii. Failure to provide itemised pay statements in breach of s8 succeeds.
- iv. Failure to provide written reasons for dismissal in breach of s92 succeeds.
- v. Breach of contract for failure to pay notice pay in breach of s86 (1) and at common law succeeds;

Concerning the First and Second Respondents being personally liable as employees of the Fifth Respondent and the First respondent also being a director of the Fifth Respondent under s110 Equality Act 2010:

2. The following claims are well founded and succeed:

- a. Discriminatory decision to dismiss the Claimant due to unfavourable treatment because of illness as a result of the Claimant's pregnancy in breach of section 18 (2) (b).
- b. Detriment due to a decision to fail to pay 3 days' wages as unfavourable treatment because of illness as a result of the Claimant's pregnancy in breach of section 18 (2) (b).

Concerning all Respondents:

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3. The Claimant's claim for discrimination because of unfavourable treatment because of her pregnancy under s18 (2) (a) fails and is dismissed.

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EMPLOYMENT JUDGE SMART

2 June 2024

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