



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms Regina Rafalska

**Respondent:** Buon Appetito Reading Ltd

**Heard at:** Reading (by CVP)

**On:** 26 June 2024

**Before:** Employment Judge Professor A C Neal

## Appearances

For the Claimant: In Person

For the Respondent: Did not appear and was not represented

# JUDGMENT

The judgment of the Tribunal is that:

- (1) The Claimant's claim alleging unfair dismissal is dismissed;
- (2) The Claimant's claim alleging discrimination by reference to the protected characteristic of pregnancy and maternity is well-founded. The Respondent is ordered to pay to the Claimant the sum of £5,511.78p;
- (3) The Claimant's claim for a redundancy payment is dismissed;
- (4) The Claimant's claim alleging breach of contract is well-founded. The Respondent is ordered to pay to the Claimant the sum of £440.00p;
- (5) The Claimant's claim to unpaid holiday pay is well-founded. The Respondent is ordered to pay to the Claimant the sum of £299.20p;
- (6) The Claimant's claim alleging unlawful deduction from wages is well-founded. The Respondent is ordered to pay to the Claimant the sum of £2,024.00p;

- (7) **The Claimant's claim alleging unlawful deductions from wages by reference to the payment of tips is not well-founded and is dismissed;**
- (8) **The Claimant's claim alleging unlawful deductions from wages by reference to sums deducted as "pension contributions" is well-founded. The Respondent is ordered to pay to the Claimant the sum of £223.14p.**

**Employment Judge Professor A C Neal**

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Date : 27 June 2024

JUDGMENT SENT TO THE PARTIES ON  
20 August 2024

FOR THE TRIBUNAL OFFICE

**Note**

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.

## ANNEX

### COMPUTATION OF MONETARY AWARDS MADE (Gross)

<b>(2) <u>Direct discrimination by reference to the protected characteristic of pregnancy and maternity</u></b>		
Economic Loss		Zero
Injury to feelings (mid-Lower Vento band)		£ 5,000 : 00
Interest (467 days @ 8%)		£ 511 : 78
 <b>(4) <u>Breach of contract</u></b>		
Statutory minimum notice money due (1 week @ £440 : 00)		£ 440 : 00
 <b>(5) <u>Unpaid holiday entitlement outstanding on termination</u></b>		
3.4 days accrued holiday entitlement (6–30 April 2023) @ £88 : 00/day		£ 299 : 20
 <b>(6) <u>Unlawful deductions from wages (unpaid wages earned)</u></b>		
23 days @ £88 : 00/day		£ 2,024 : 00
 <b>(8) <u>Unlawful deductions from wages (“pension” deductions - NEST)</u></b>		
Sums deducted (July, August, September and October 2023)		£ 223 : 14

Note: All weekly and daily rates drawn from contractual documents produced in evidence together with evidence of Claimant. Basis of 40-hour week remunerated at £11:00 per hour.