



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4100959/2026

Held in Glasgow via Cloud Video Platform (CVP) on 21 August 2026

Employment Judge A Kemp

Ms R Khan

**Claimant
In Person**

Healing Waters (Company) Ltd

**Respondent
No appearance and
No representation**

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

1. The Tribunal grants a declaration that the respondent made unauthorised deductions from the wages of the claimant under section 13 of the Employment Rights Act 1996 by not paying her wages due, and for outstanding holiday pay.
2. The Tribunal grants a declaration that the respondent treated the claimant unfavourably because of her pregnancy contrary to section 18 of the Equality Act 2010.
3. The claimant is awarded the sums payable by the respondent to the claimant as follows:
 - (i) The sum of **ONE THOUSAND ONE HUNDRED AND EIGHTY FOUR POUNDS TWENTY NINE PENCE (£1,184.29)** in respect of the unauthorised deductions from wages, and
 - (ii) The sum of **ONE THOUSAND SIX HUNDRED POUNDS (£1,600)** as compensation under the Equality Act 2010.
4. The sum awarded at 3(i) is payable gross, subject to such deductions for income tax as the respondent may be required to make. The respondent may make a deduction from those awards to account for tax properly due on it. If the respondent makes any deduction it shall make payment to His Majesty's

Revenue and Customs of the amount of that deduction and at the same time provide written evidence to the claimant of its having done so.

REASONS

Introduction

1. This was a Final Hearing into claims made by the claimant against the respondent. The respondent has not defended the Claim, and did not appear at this hearing.

Evidence

2. The claimant had provided documents and a Schedule of Loss. The claimant gave evidence in answer to questions from Mr Johnston. I asked questions to elicit the facts under Rule 41.

Facts

3. I found the following facts, material to the issues before me, to have been established:
4. The claimant is Ms Rahima Khan.
5. The respondent is Healing Waters (Company) Limited.
6. The claimant commenced employment with the respondent on 1 September 2025 as Trainee Dental Nurse. The claimant's gross pay was £12.21 per hour.
7. The claimant was paid for her salary in September 2025.
8. In the early days of October 2025 the claimant informed the respondent that she was pregnant. She suffered from severe nausea and vomiting because of her pregnancy. That made travelling to work in Glasgow from her home in Greenock very difficult. On 13 October 2025 she emailed the respondent and stated that she was resigning. She had found a new position close to her home. She intimated that her last day of work would be 31 October 2025.
9. On 21 October 2025 the claimant became unfit for work due to her pregnancy and the pregnancy-related conditions she suffered from. She sent the respondent a fit note from her GP.
10. The claimant's employment with the respondent terminated by her resignation on 31 October 2025.
11. The claimant repeatedly asked the respondent for payment of the work carried out in October 2025. The respondent did not make the payment due despite promises to do so for example on 20 November 2025 in a message to the claimant. The claimant sent repeated messages to the respondent seeking

payment. The respondent at one time stated words to the effect that they would require to obtain a locum to cover the claimant and that the cost of that would be deducted from sums due.

12. The sum due to the claimant for wages due for the month of October 2025 is £1,184.29 gross. It remains unpaid. The claimant commenced her new employment on 3 November 2025.
13. The claimant experienced significant distress from the refusal of the respondent to make payment of wages due to her. It caused her financial stress. It did so during her pregnancy. It continues. In her new position she required to cease working a month early because of high blood pressure.
14. The claimant commenced Early Conciliation on 18 December 2025. The Certificate for that was issued on 12 March 2026. The present Claim was presented on 9 April 2026.

The law

15. The Employment Rights Act 1996 ("the 1996 Act") makes provision for a right not to suffer unauthorised deductions from wages, set out in section 13. There are exceptions in section 14 which are not relevant for the purposes of this case. There is a right to make a claim at the Employment Tribunal provided for in section 23.
16. The Equality Act 2010 ("the 2010 Act") makes provision for pregnancy as a protected characteristic in section 4 and for unfavourable treatment because of pregnancy being unlawful in section 18. The protected period for the purposes of that section begins when the pregnancy begins.

Discussion

17. I was entirely satisfied that the claimant gave credible and reliable evidence. I was also satisfied that the claim was within the jurisdiction of the Tribunal.

(i) Wages

18. There was a failure to pay wages for the days worked in October 2025. That is a clear breach of section 13 of the 1996 Act.

(ii) Pregnancy discrimination

19. The failure to pay wages followed intimation of pregnancy, and of illness related to pregnancy. The circumstances were very closely connected to her pregnancy, and there was a comment made (although anything in writing was not before me) about having a locum and the cost of doing so which all appeared to me to support the view that section 18 of the Equality Act 2010 was breached. The claim was of course not defended. The claimant had made

a claim for pregnancy discrimination in her Claim Form. I concluded that on the material available to me there was a breach of the section.

(iii) *Remedy*

20. So far as unauthorised deduction from wages is concerned, section 24(2) of the 1996 Act provides that where a declaration is made the Tribunal “may order the employer to pay to the worker such amount as the tribunal considers appropriate in all the circumstances to compensate the worker for any financial loss sustained by him which is attributable to the matter complained of.”
21. I award the claimant the sum that she seeks, which I am satisfied is the sum due. There is no specific provision for interest on such awards, and in light of the amount and circumstances I do not consider that it is appropriate to make any award in that regard even if it were competent. The award is made gross and may be subject to statutory deductions as noted above.
22. In relation to the claim under the 2010 Act I make a declaration and am able to award a sum for injury to feelings under sections 119 and 124. I accept that the claimant was distressed by the failure to pay her wages due. I noted that she started new employment very shortly after the termination of employment with the respondent, but that there was stress from the lack of payment, and the correspondence required for that. The claimant referred to having high blood pressure latterly, but it I do not have medical evidence that that was caused or contributed to by the lack of payment.
23. I take into account the Guidance issued by the Presidents in relation to that. This claim is I consider at the lowest end of the lower band of the Vento bands. In relation to claims presented on or after 6 April 2026 the lower band starts at £1,200. It seems to me that an award of £1,500 is appropriate. Interest is due on that award under the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996 which I calculate to be £100. The total award for the breach of section 18 is therefore £1,600. No statutory deductions are due on that.
24. Where the claimant was pregnant and not paid for the work carried out in the circumstances set out above there is a concern that that creates aggravating features that might justify a penalty under section 12A of the Employment Tribunals Act 1996. There was also a concern that, although the claimant did not make a claim for there being no statement of particulars of employment, that was her evidence. Such a statement is required by section 1 of the 1996 Act and should be provided by the first day of employment. Despite what appear to be a series of breaches of obligations owed by the respondent it did not seem to me to be in the interests of justice to impose a penalty, which in

any event required the respondent to be given an opportunity to comment. The respondent came close to that stage, however, and may be well advised to consider carefully the detail of its obligations to employees.

Date sent to parties**11 September 2026**