



EMPLOYMENT TRIBUNALS

Claimant: Miss C Conlon

Respondent: Cheshire Retail (NW) Ltd

Heard at: Manchester (by CVP) **On:** 27 and 28 April 2021

Before: Employment Judge Phil Allen
Ms A Berkeley-Hill
Mrs PJ Byrne

REPRESENTATION:

Claimant: In person

Respondent: Mr N Soni, managing director and Mr A Lewis

JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The respondent did treat the claimant unfavourably because of pregnancy by dismissing her in breach of section 18 of the Equality Act 2010. The claimant's claim for discrimination is found and succeeds;
2. The respondent did not treat the claimant unfavourably because of pregnancy by failing to conduct a pregnancy risk assessment in breach of section 18 of the Equality Act 2010. The claimant's claim for discrimination in relation to risk assessment is not found;
3. The principal reason for the claimant's dismissal related to pregnancy and therefore her dismissal was unfair under section 99 of the Employment Rights Act 1996 and regulation 20 of the Maternity and Parental Leave etc Regulations 1999. The claim for unfair dismissal succeeds;
4. The Tribunal does not find that Section 67 of the Employment Rights Act 1996 applied to the claimant as she was not suspended from work on maternity grounds. Her complaint that, in contravention of that provision, the respondent failed to offer to provide her with work does not succeed and is dismissed;

5. The respondent did breach the claimant's contract of employment by failing to employ her for the one week notice period to which she was entitled; and

6. As accepted by the respondent, the respondent did fail to pay the claimant in respect of annual leave accrued but untaken in breach of the Working Time Regulations 1998.

Employment Judge Phil Allen

28 April 2021

JUDGMENT SENT TO THE PARTIES ON

4 May 2021

FOR THE TRIBUNAL OFFICE

Notes

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.

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