



EMPLOYMENT TRIBUNALS

Claimant: Miss H Branson

Respondent: S. W. Barradell Ltd

Heard at: Manchester

On: 27, 28 and 29 July 2022

Before: Regional Employment Judge Franey
Mrs A Eyre
Mr S Hussain

REPRESENTATION:

Claimant: Ms B Branson (Claimant's Sister)

Respondent: Mr S Lewis (Counsel)

JUDGMENT

The unanimous judgment of the Tribunal is as follows:

1. The complaint of unfair dismissal is not well founded and is dismissed.
2. The complaint of detriment contrary to regulation 19(1) of the Maternity and Parental Leave etc Regulations 1999 is not well founded and is dismissed.
3. The complaint of indirect sex discrimination contrary to section 19 Equality Act 2010 is not well founded and is dismissed.
4. The complaint in respect of holiday pay succeeds and the respondent is ordered to pay the claimant the sum of **£67.31** representing one day's pay under regulation 30(1)(b) Working Time Regulations 1998. The complaints of breach of contract and of unauthorised deductions from pay in relation to the same matter succeed, but no separate award is made.
5. The complaint of detriment in employment contrary to section 45A(1) Employment Rights Act 1996 on the ground that the claimant refused to forego a right under the Working Time Regulations 1998 is well founded. That complaint succeeds and the remedy to which the claimant is entitled will

be determined at a further hearing in accordance with the following case management orders:

- (a) By 4pm on Friday 9 September 2022 the claimant must provide to the Tribunal and to the respondent a revised schedule of loss limited to losses sought under this head of claim and accompanied by any medical evidence on which the claimant wishes to rely;
- (b) By 4pm on Friday 23 September 2022 the parties must have provided the Tribunal with any dates to avoid between 1 October 2022 and 28 February 2023 for a 3 hour remedy hearing, and
- (c) The Tribunal will then list the matter for a remedy hearing unless notified that the parties have reached agreement on the appropriate remedy.

Regional Employment Judge Franey

1 August 2022

JUDGMENT SENT TO THE PARTIES ON

5 August 2022

FOR THE TRIBUNAL OFFICE

Notes

1. Reasons for the judgment having been given orally at the hearing, without any request for written reasons having been made, 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.
2. 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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2417564/2020**

Name of case: **Miss H Branson** v **S.W. Barradell Limited**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant judgment day" is: 5 August 2022

"the calculation day" is: 6 August 2022

"the stipulated rate of interest" is: 8%

For the Employment Tribunal Office