



EMPLOYMENT TRIBUNALS

Claimants: Mrs N C Taylor

Respondents: Mr David Howe t/a Sprint Electrical

JUDGMENT

Employment Tribunals Rules of Procedure 2013, Rule 21

The respondent not having presented a response to the claim and on the information before the Judge,

Compensation for termination of employment

1. The claim for pregnancy and maternity discrimination pursuant to section 18 of the Equality Act 2010 is successful. The respondent is ordered to pay the claimant **£12,000** in compensation for injury to feelings and **£791.67** in interest on that award.

2. The claimant was subjected to unfavourable treatment and dismissed because of her pregnancy. The respondent is ordered to pay the claimant:

- a) **£3834.18** for net loss of wages from 31 December 2022 – 3 September 2024.
- b) **£500** for loss of statutory rights
- c) **£433.41** by way of a 10% uplift on the two previous awards for a failure to follow the ACAS Code of Practice on Disciplinary and Grievance Procedures 2015.
- d) Interest on the sum total of awards a) – c) of **£157.27**
- e) **£2884.56** by way of a basic award to compensate the claimant for the unfairness of the dismissal.

Compensation for monies owed on termination of employment.

3. The claim for unlawful deduction from wages is successful pursuant to section 13 of the Employment Rights Act 1996. The respondent is ordered to pay the claimant **£6249.99** gross for non-payment of wages from October 2023 – December 2023.

4. The claim for non-payment of pension contributions from 2017 - 2023 pursuant to the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994 is successful. The respondent is ordered to pay the claimant **£1876.38**.

5. The claim for non-payment of holiday pay on termination of employment is successful pursuant to regulation 14 of the Working Time Regulations 1998. The respondent is ordered to pay the claimant **£192.30** gross.

Compensation for failure to provide written particulars of employment

6. The respondent failed to provide the claimant with a written statement of the particulars of her employment pursuant to section 1 of the Employment Rights Act 1996. The respondent is ordered to pay the claimant **£1923.04** in accordance with section 38 of the Employment Act 2002.

REASONS

1. The claimant worked as an electrician for the respondent, from July 2017 to 31 December 2022.

2. On 7 November 2022 the respondent treated the claimant unfavourably because of her pregnancy. On 14 November 2022 the respondent terminated the claimant's employment because of her pregnancy. The last day of the claimant's employment was 31 December 2022.

3. The claimant was entitled to gross wages of £480.76 per week and net wages of £403.84 per week.

4. On termination of employment, the claimant was 28 years of age and had worked for the respondent for 6 complete years.

5. Section 119 of the Employment Rights Act 1996 provides that a basic award payment shall be calculated by establishing the number of years the claimant worked for the respondent and allowing one week's pay for each year worked that the claimant was not below the age of 22.

6. The claimant is therefore entitled to a gross basic award payment of £2884.56.

7. From 31 December 2022 – 6 February 2023, a period of 5.5 weeks, the claimant was unemployed. The claimant is entitled to a net payment of £2221.12 (£403.84 x 5.5).

8. From 6 February 2023 – 28 April 2023, a period of 12 weeks, the claimant worked in her new employment as an administrator. The claimant received a net payment of £400.60 per week. The claimant is entitled to a net payment of £38.88 (£403.84 - £400.60 x 12).

9. From 28 April 2023 – 9 June 2023, a period of 6 weeks, the claimant was on maternity leave. Had the claimant remained in the respondent's employment she would have been entitled to £2596.10 gross pay (£480.76 x 90% x 6). However, the claimant only received maternity allowance of £172.48 per week (£1034.88) and is therefore entitled to a net payment £1561.22 (£2596.10 - 1034.88).

10. From 9 June 2023 – 4 November 2023, a period of 21 weeks, the claimant remained on maternity leave and received the maternity allowance which was the equivalent of the statutory maternity pay she would have received had she remained in the employment of the respondent and there is no financial loss for this period.

11. From 6 November 2023 – 1 December 2023, a period of 4 weeks, the claimant returned to her role as an administrator. The claimant is entitled to a net payment of £12.96 ($£403.84 - £400.60 \times 4$).

12. From 4 December 2023 the claimant received a pay rise and received a net payment of £415.23 per week. Therefore, from this date the claimant had no financial loss arising from the termination of her employment.

13. Interest was calculated on the sum total of the claims for loss of wages, loss of statutory rights and an uplift for the failure to follow the ACAS Code of Practice from the mid point of the period 7 November 2022 – 3 September 2024, a period of 301 days at the rate of 8% ($301/2 \times 0.08 \times 1/365 \times £4767.60$). The claimant is entitled to a payment of interest of £157.27.

14. Interest was calculated on the injury to feelings award for the period 7 November 2022 – 3 September 2024, a period of 301 days at the rate of 8% ($301 \times 0.08 \times 1/365 \times £12,000$). The claimant is entitled to a payment of interest of £791.67.

15. The claimant received £2083.33 gross pay per month. The respondent failed to pay the claimant for a period of 3 months. The claimant is entitled to a gross payment of £6249.99.

16. On termination of the claimant's employment, she had taken 26 annual leave days. The claimant was entitled to 28 annual leave days. The claimant was therefore, entitled to a gross payment of £192.30 ($£480.76/5 \times 2$).

17. The respondent failed to provide the claimant with a written statement of the particulars of her employment over a 6 year period. The claimant is therefore entitled to an award of £1923.04, equivalent to 4 weeks gross pay ($£480.76 \times 4$).

Employment Judge Ainscough
Date: 30 September 2024

JUDGMENT SENT TO THE PARTIES ON
1 October 2024

FOR THE TRIBUNAL OFFICE

Public access to employment tribunal decisions

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 ARTICLE 12

Case number: **2403146/2023**

Name of case: **Mrs N C Taylor** v **Mr David Howe t/a Sprint
Electrical**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 1 October 2024

the calculation day in this case is: 2 October 2024

the stipulated rate of interest is: **8% per annum**.

Mr S Artingstall
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:

www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.