



EMPLOYMENT TRIBUNALS

Claimant Miss J Green

Respondent: Doncaster & Bassetlaw Hospitals NHS Foundation Trust

HELD AT: Sheffield

ON: 10 and 11 September
2018

BEFORE: Employment Judge Little
Mr L Priestley
Mr D Fell

REPRESENTATION:

Claimant: In person (accompanied by PSU volunteers)

Respondent: Mr R Dunn of Counsel (instructed by DAC Beechcroft LLP)

JUDGMENT

The unanimous Judgment of the Tribunal is that:-

1. It is declared that the respondent breached the maternity equality clause (deemed by the Equality Act 2010 section 73) and that it made unauthorised deductions from the claimant's maternity pay.
2. For the avoidance of doubt, that breach and unauthorised deduction was in respect of initially failing to take into account two pay rises during the relevant period when calculating the claimant's occupational maternity pay.
3. However that breach and deduction were rectified in April 2018 when the respondent paid to the claimant the arrears to which she was entitled (£1478.68).
4. There was no further breach of the maternity equality clause or unauthorised deduction from wages when the respondent failed to restore the claimant's "sacrificed" salary when calculating occupational maternity pay.
5. The claimant is not entitled to damages pursuant to the Equality Act 2010 section 132 or compensation pursuant to the Employment Rights Act 1996

section 24(2) because she has failed to establish that she sustained financial loss in consequence of the breach/deduction, not least due to an overpayment to her by the respondent in an amount which was virtually the same as that ultimately paid to her in April 2018.

Employment Judge Little

Date: 17th September 2018

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.

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