



EMPLOYMENT TRIBUNALS

Claimant: Mrs G Makri

Respondent: W.A. Howarth (Aphrodites Lodge) Limited

Heard at: Manchester (remotely, by CVP) **On:** 20 and 21 September 2021

Before: Employment Judge Ross
Mr A Murphy
Mr M Stemp

REPRESENTATION:

Claimant: In person

Respondent: Mr M Howarth, Company Director

JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's claim that she was subjected to pregnancy discrimination under section 18 Equality Act 2010 by the respondent (a) dismissing her, (b) requiring her to attend a disciplinary hearing, (f) calling security after the termination of her employment, and (g) asking the claimant to wait outside for an ambulance when she was unwell, are all well-founded and succeed.
2. The claimant's other claims for pregnancy discrimination, that the respondent subjected her to pregnancy discrimination by (b) putting her under pressure to work additional hours in the kitchen, (c) asking her to work in the kitchen, and (e) creating evidence that she had been absent from work for seven days, are not well-founded and do not succeed.
3. The claimant's claim for failure to pay 1 week's notice pay is not well-founded and does not succeed. The Tribunal finds that the claimant's final day of work was 23 March 2020, having been sent home on 16 March 2020, and that the claimant was paid for that week.
4. The claimant's claim for holiday pay due on the termination of employment is well-founded and succeeds and we order the respondent to pay the claimant 17 hours at £9.50 = £161.50.

Remedy

5. The Tribunal makes the following award to the claimant for compensation for her pregnancy dismissal claim:

- (a) An award for injury to feelings of £9,500.
- (b) A compensatory award, which includes a 10% uplift, for failure to follow the ACAS Code of Practice when the claimant was not offered an appeal against dismissal, of £6,812.96.

6. The total compensation to be paid by the respondent to the claimant within 14 days of this date of this Judgment is £16,474.46 (£9,500 + £6,812.96 plus holiday pay of £161.50).

Employment Judge Ross

Date: 22 September 2021

JUDGMENT SENT TO THE PARTIES ON

23 September 2021

FOR THE TRIBUNAL OFFICE

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.

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

Tribunal case number: **2403940/2020**

Name of case: **Mrs G Makri** v **W.A. Howarth (Aphrodites Lodge) 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: **23 September 2021**

"the calculation day" is: **24 September 2021**

"the stipulated rate of interest" is: **8%**

For the Employment Tribunal Office