



THE EMPLOYMENT TRIBUNALS

BETWEEN

Claimants

Respondent

(1) Ms XXXX
(2) Ms YYYY

AND

Mr Jan Papp
t/a Papps Convenient Store

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

Held at: North Shields

On: 18 January 2018

Before: Employment Judge A M Buchanan

Members: Ms L Georgeson
Ms E Wiles

Appearances

For the Claimants: Ms M Inkin – lay representative
For the Respondent: Mr R Owen – Gateshead CAB

JUDGMENT ON REMEDY

It is the unanimous judgment of the Tribunal that:-

Claim number 2500598/2017 – the first claimant

1. The respondent is ordered to pay to the first claimant compensation for pregnancy discrimination pursuant to section 124 of the Equality Act 2010 in the sum of £7723.61p being an award for injury to feelings in the sum of £6800.00p and an award of compensation in respect of loss of earnings in the sum of £923.61p.

2. The respondent is ordered to pay interest to the first claimant pursuant to the provisions of the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996 on the said sums in the total sum of £445.65 broken down as to £417.31p in respect of interest on the said award of £6800.00p and £28.34p in respect of interest on the said award of £923.61p.

3. The respondent is ordered to pay to the first claimant a basic award of compensation for unfair dismissal pursuant to section 118 of the Employment Rights Act 1996 ("the 1996 Act") and calculated in accordance with section 119 of the 1996 Act in the sum of £540.00p.

4. The respondent is ordered to pay to the first claimant the sum of £237.60 pursuant to Regulation 16 of the Working Time Regulations 1998. This is a gross sum and the first claimant is to account to the appropriate authorities in respect of any income tax and employee national insurance contributions due in respect of the said sum on receipt by her.

5. The respondent is ordered to pay to the first claimant pursuant to section 24 of the 1996 Act the sum of £4003.35 in respect of unpaid wages arising out of a failure by the respondent to pay wages to the first claimant at a rate at least that of the national living wage calculated pursuant to the National Minimum Wage Act 1998. This is a gross sum and the first claimant is to account to the appropriate authorities in respect of any income tax and employee national insurance contributions due in respect of the said sum on receipt by her.

6. There is no award in respect of the claim for wrongful dismissal because to make an award would amount to double recovery as the loss is included in the award for loss of earnings referred to in paragraph 1 above.

7. There is an award of two weeks' pay pursuant to section 38(3) of the Employment Act 2002 in the sum of £720.00p.

8. The total sum due from the respondent to the first claimant of £13670.21 is payable by the respondent forthwith.

9. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply to this award.

Claim number 2500602/2017 – the second claimant

1. The respondent is ordered to pay to the second claimant compensation for pregnancy discrimination pursuant to section 124 of the Equality Act 2010 in the sum of £11913.21p being an award for injury to feelings in the sum of £5800.00p and an award of compensation in respect of loss of earnings in the sum of £6113.21p.

2. The respondent is ordered to pay interest to the second claimant pursuant to the provisions of the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996 on the said sums in the total sum of £754.43p broken down as to £494.50p in respect of interest on the said award of £5800.00p and £259.93p in respect of interest on the said award of £6113.21p.

3. The respondent is ordered to pay to the second claimant the sum of £688.05p pursuant to Regulation 16 of the Working Time Regulations 1998. This is a gross sum and the first claimant is to account to the appropriate authorities in respect of any

income tax and employee national insurance contributions due in respect of the said sum on receipt by her.

4. The respondent is ordered to pay to the first claimant pursuant to section 24 of the 1996 Act the sum of £1195.00p in respect of unpaid wages arising out of a failure by the respondent to pay wages to the claimant at a rate at least that of the national living wage calculated pursuant to the National Minimum Wage Act 1998. This is a gross sum and the first claimant is to account to the appropriate authorities in respect of any income tax and employee national insurance contributions due in respect of the said sum on receipt by her.

5. There is no award in respect of the claim for unfair dismissal because to make an award would amount to double recovery as the loss is included in the award for loss of earnings referred to in paragraph 1 above.

6. There is an award of two weeks' pay pursuant to section 38(3) of the Employment Act 2002 in the sum of £695.00p.

7. The respondent is ordered to pay to the second claimant the sum of £695.00p pursuant to section 93 of the 1996 Act.

8. The total sum due from the respondent to the first claimant of £15940.69 is payable by the respondent forthwith.

9. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply to this award



EMPLOYMENT JUDGE A M BUCHANAN

**JUDGMENT SIGNED BY EMPLOYMENT
JUDGE ON 18 January 2018**

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JUDGMENT SENT TO THE PARTIES ON

23 January 2018

AND ENTERED IN THE REGISTER

A handwritten signature in black ink, appearing to read "A. E. Palmer". The signature is written in a cursive style with a large initial "A" and a distinct "E".

FOR THE TRIBUNAL

NOTE:

Reasons for the judgment having been given orally at the hearing, written reasons will not be given unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of this written record of the decision.