



EMPLOYMENT TRIBUNALS

Claimant: Ms Joli Walker
First Respondent: Real Life Oldham Limited
Second Respondent: Mr Tyler Caine Mullings
Third Respondent: Mr Ben Lloyd

Heard at: Manchester Employment Tribunal (by CVP)

On: 19 October 2022

Before: Employment Judge Mark Butler
Mrs A Booth
Mr N Williams

Representation

Claimant: Mr B Culshaw (Solicitor)
Respondents: Mr T Mullings (for the first part of proceedings, but departed at 10.30am)

JUDGMENT

1. The claim brought against the third respondent is dismissed on withdrawal.
2. The claim of pregnancy discrimination succeeds against both the first respondent and the second respondent. The respondents will be jointly and severally liable for the remedy insofar as they relate to the pregnancy discrimination complaint.
3. The claim of a failure to provide written reasons for dismissal pursuant to s.92 of the Employment Rights Act succeeds against the first respondent only.
4. A claim of a failure by the respondent to provide a written statement of particulars succeeds against the first respondent only.

REMEDY

5. For a dismissal, which has been held to be discriminatory, the claimant is awarded a total of £9,188.38. This is made up of the following:
 - a. Past losses in the net figure of £6,590.99. This was made calculated using the following:
 - i. £5,026.92 (17.28 weeks x net weekly earnings of £290.91) for the expected earnings between 25 November 2021 and 6 March 2022.
 - ii. Expected maternity pay of £5,416.30
 - iii. With £3,852.23 deducted for monies received during this period.
 - b. Future losses in the net figure of £2,678.39 This is calculated using the following:
 - i. £1,441.27 for the 9.2 weeks (calculated using the SMP figure of £156.66) of remaining Statutory Maternity Pay.
 - ii. Losses up to 31 March 2023, a date when the claimant would be expected to have secured employment at a level similar to that with the respondent. This is a figure of £3,904.01 (13.42 weeks x £290.91 net weekly earnings).
 - iii. Reduced by £484.89, to account for Universal Credit payments during this period.
6. The sum of £12,000 is awarded for injury to feelings.
7. Interest is awarded on the figure calculated above in respect of past losses. The statutory interest rate of 8% has been applied. Interest of £236.91 is awarded.
8. Interest is awarded on the injury to feelings award. Again, the statutory rate of 8% has been applied. Interest of £862.68 is awarded.
9. Two weeks' gross pay is awarded for the failure by the first respondent to provide written reasons for the claimant's dismissal pursuant to section 92 of the Employment Rights Act 1996. A sum of £668.80 is awarded (2 weeks x gross weekly pay of £334.40)
10. The claimant is awarded four weeks gross pay for the first respondent's failure to provide a written statement of terms and conditions. A sum of £1337.60 is awarded (4 weeks x gross weekly pay of £334.40).
11. The claimant is awarded a total sum of £24,375.37. Of which the first and second respondent are jointly and severally liable for the sum of £22,368.97. The first respondent only is liable for the remaining balance of £2,006.40.
12. Recoupment does not apply in this case.

Employment Judge **Mark Butler**

Date_19 October 2022_____

JUDGMENT SENT TO THE PARTIES ON
24 October 2022

FOR THE TRIBUNAL OFFICE

Notes

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 ARTICLE 12

Case number: **2400787/2022**

Name of case: **Ms J Walker** v **1. Real Life Oldham Ltd
2. Tyler Mullings
3. Ben Lloyd**

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: 24 October 2022

the calculation day in this case is: 25 October 2022

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.