



EMPLOYMENT TRIBUNALS

Claimant: Miss J Hodkinson

Respondent: B & R Care Limited

Heard at: Manchester

On: 21, 22 and 23 August 2024

Before: Employment Judge K M Ross
Mr P Dobson
Ms C Nield

REPRESENTATION:

Claimant: In person

Respondent: Ms Bibia (Senior Litigation Executive)

JUDGMENT

The unanimous judgment of the Tribunal is that:

1. The claimant's claim that she suffered pregnancy discrimination pursuant to section 18 Equality Act 2010 when the respondent treated her unfavourably by doing the following:
 - (1) Not arranging a risk assessment for the claimant after the claimant had informed the respondent she was pregnant;
 - (2) On 19 August 2022 cancelling the claimant's training arranged for 21 August 2022;
 - (3) Dismissing the claimant on 19 August 2022 for failing her probationary period and not completing her training (which the respondent had itself cancelled); and
 - (4) Not complying with the ACAS Code of Practice by not providing any supporting documents and not giving her the opportunity to attend a meeting before the decision to dismiss was taken,

is well-founded and succeeds.

2. The claimant's claim for pregnancy discrimination pursuant to section 18 Equality Act 2010 – that the respondent treated the claimant unfavourably by not complying with the ACAS Code of Practice by not informing her in writing that the respondent was considering dismissing her on 19 August 2022, not providing written confirmation of the matters to be considered on 19 August 2022 and not offering her the opportunity to be accompanied to that meeting on 19 August 2022 – is not well-founded and fails.
3. The claimant's claim for automatic unfair dismissal pursuant to section 99 Employment Rights Act 1996 – that the principal reason for the claimant's dismissal was because of pregnancy – is well-founded and succeeds.
4. The respondent indirectly discriminated against the claimant pursuant to section 19 Equality Act 2010. The respondent had a provision, criterion or practice ("PCP") that employees must attend work-related meetings on their non-working days and/or in their own time. This put female workers who are more likely to have childcare responsibilities at a substantial disadvantage in relation to a relevant matter and put the claimant at that disadvantage. The respondent was not able to show that the PCP was a proportionate means of achieving a legitimate aim.
5. **There will be a remedy hearing to determine compensation on 8 October 2024 at 10am at Alexandra House , 18-22 Parsonage Manchester M2 7HA, with an estimated length of hearing of 1 day.**
6. Written reasons, having been requested at the hearing, will follow in due course.

Employment Judge K M Ross

Date: 27 August 2024

JUDGMENT SENT TO THE PARTIES ON

29 August 2024

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.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>