



EMPLOYMENT TRIBUNALS

Claimant: Miss D Christian

Respondent: Cooltemple Construction Services Ltd

HELD AT: Manchester **ON:** 21 July 2017

BEFORE: Employment Judge Franey (sitting alone)

REPRESENTATION:

Claimant: In person

Respondent: Did not attend

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The respondent has failed to pay the claimant's holiday entitlement and is ordered to pay the claimant the gross sum of **£200.00** representing accrued but untaken annual leave.
2. The complaint of unfavourable treatment because of pregnancy contrary to section 18 Equality Act 2010 succeeds. The dismissal of the claimant was unfavourable treatment because of pregnancy. The respondent is ordered to pay the claimant compensation calculated as follows:

Injury to feelings	£1,000.00
Interest thereon	£ 31.78
Loss of earnings	£1,920.00
Interest thereon	£ <u>30.72</u>
Total	£2,982.50

3. The respondent is ordered to pay costs to the claimant under Rule 75(1)(b) in the sum of **£250.00** in respect of the issue fee paid by the claimant in these proceedings.

REASONS

1. The claim form was served on the respondent by letter of 5 June 2017, together with notice of a Preliminary Hearing for case management purposes on 21 July 2017.
2. The response form was due by 3 July 2017. No response form was received.
3. On 7 July 2017 the claim form was sent to the respondent at its registered office. The Tribunal's letter said that any response would now be out of time so an application for an extension of time would be required.
4. No response form or application for an extension of time had been received before the Preliminary Hearing on 21 July 2017. The claimant attended in person. The respondent did not.
5. In the absence of any response form defending the proceedings, judgment under rule 21 was appropriate. I was satisfied that the amounts sought by the claimant on the claim from were properly claimable. I awarded her the amounts sought.
6. The award for injury to feelings took account of the effect of inflation and of the 10% uplift pursuant to **De Souza v Vinci Construction (UK) Ltd [2017] EWCA Civ 879**.
7. Interest on the award for pregnancy discrimination was calculated in accordance with the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996, using the Special Investment Account rate of 8% per annum.
8. As the respondent had not defended the proceedings I ordered that it should reimburse the claimant her issue fee.

Employment Judge Franey

21 July 2017

JUDGMENT AND REASONS SENT TO THE PARTIES ON
24 July 2017

FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: 2402945/2017

Name of case: Miss D Christian v Cooltemple Construction Services Ltd

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 decision day" is: **24 July 2017**

"the calculation day" is: **25 July 2017**

"the stipulated rate of interest" is: 8%

For the Employment Tribunal Office