



EMPLOYMENT TRIBUNALS

Claimant: Ms Sadia Shakil

Respondent: Samsons Limited

Heard at: Birmingham West

On: 17 and 18 April 2023

Before: Judge L Mensah

Panel: Ms S Campbell and Ms Helen Russell

Representation

Claimant: In person

Respondent: Mr M Saleem (Director)

JUDGMENT

The Tribunal has given oral judgment to the parties at the end of the hearing. The Tribunal orders are;

1. The Claimant's claim for unfavourable treatment on the grounds of pregnancy and maternity are made out. The Tribunal awarded:
 - (i) £1280.31 (£853.04 agreed and £427.27 found) full net pay for the period 01.04.2021 to 09.10.2021. The gross monthly salary is £2222.31 full time (per month) and the Tribunal deducted sums already paid to the Claimant and taxed.
 - (ii) £5000 injury to feeling
2. The Claimant's claim for entitlement to two months notice pay is made out and we award:
 - (i) £1484.94 (agreed by the claimant)
3. The Claimant's claim for holiday pay accrued and untaken is made out and we award:
 - (i) £298.00 for the period 01.04.2021 to 09.05.2021
 - (ii) £948.00 for the period 10.05.2021 to 01.10.2021
4. The Claimant's claim for carried over holiday entitlement from the year 2020, is made out but we found it had been taken and paid in 2021.

Total sum £9011.25

Declaration

5. The Claimant asked for a declaration of entitlement to maternity pay. The Claimant had already been paid her maternity leave directly from HMRC but based upon on a part time wage. We find the Claimant was reduced to part time by the Respondent on the 01.04.2021 until the end of her employment and this was less favourable treatment on the grounds of pregnancy or pregnancy related illness. But for the treatment, the Claimant would have remained in her full time role until she commenced her maternity leave on the 02.10.2021. The Claimant is entitled to be paid maternity through the Respondent from the 02.10.2021 for the full 39 weeks on the basis of her full pay of £28,000 per annum. This is in addition to the sum above.

Employment Judge **Mensah**

Date 18.04.2023

Notes¹

¹ 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.

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