



EMPLOYMENT TRIBUNALS

Claimant: Mrs C Murphy
Respondent: Mr S Wood t/a Martin Wood Jeweller
Heard at: Leeds **On:** 1 February 2019
Before: Employment Judge Davies

Representation

Claimant: Mr Armitage
Respondent: In person

JUDGMENT

1. The Claimant's claims of wrongful dismissal (notice pay) and unfair dismissal are well-founded and succeed.
2. The Respondent shall pay the Claimant damages in lieu of notice (which will be two weeks' net pay).
3. The Respondent shall pay the Claimant a basic award (calculated on the basis of three x her gross weekly pay) and a compensatory award for unfair dismissal.
4. The chance that the Claimant would have been fairly dismissed in any event is 20% and her compensatory award should be reduced accordingly.
5. The Respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures and it is just and equitable to increase the Claimant's compensatory award by 10%.
6. The Claimant contributed to her dismissal by culpable and blameworthy conduct and it is just and equitable to reduce the basic and compensatory awards by 25%.
7. At the time the proceedings were brought the Respondent was in breach of its duty to provide the Claimant with a written statement of employment particulars. There are no exceptional circumstances that make it not just and equitable to award her two weeks' pay. It is not just and equitable to award four weeks' pay. Therefore the Respondent shall pay her a further two weeks' gross pay.

Employment Judge Davies

4 February 2019

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Note:

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.