



EMPLOYMENT TRIBUNALS

Claimant: Mrs C Culf

Respondent: A Shade Greener Maintenance Ltd

HELD AT: Sheffield

ON: 26 and 27 September
2019

BEFORE: Employment Judge Brain
Mrs B Hodgkinson
Mr L Priestley

REPRESENTATION:

Claimant: Miss N Sharpe, solicitor

Respondent: Ms R Parlett, in-house HR representative

JUDGMENT

The Judgment of the Employment Tribunal is that:

1. The claimant's complaint of unfavourable treatment because she was exercising her right to ordinary and/or additional maternity leave fails and stands dismissed.
2. The claimant's complaint that she was constructively unfairly dismissed by the respondent succeeds. The following is awarded by way of remedy:

2.1. **Basic award** £2,019.26

2.2. **Compensatory award:**

2.2.1. Loss of earnings for the period between 20 February 2019 and 20 September 2019.

£219.23 per week for a period of 30.3 weeks £6,650.00

Less earnings in alternative employment £1,302.34

£5,347.66

2.2.2. Loss of the statutory right not to be unfairly dismissed and for loss of the statutory notice period	£350.00
Total basic and compensatory awards:	£7,716.92

3. The Recoupment Regulations apply as follows:

3.1. Grand total	£7,716.92
3.2. Prescribed element	£5,347.66
3.3. Period of prescribed element 20 February 2019 to 20 September 2019	
3.4. Excess of grand total over prescribed element	£2,369.26

4. The respondent shall pay to the claimant the sum of £2,369.26 being the excess of the grand total over the prescribed element on or before 11 October 2019. The respondent shall pay to the claimant the balance due to her following the operation of the Recoupment Regulations.

Employment Judge Brain

Date: 9 October 2019

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.

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