



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss EJ Russell

**Respondent:** Francis W Construction Ltd

## CERTIFICATE OF CORRECTION

### Employment Tribunals Rules of Procedure 2013

Under the provisions of Rule 69, the Judgement sent to the parties on 5 February 2020, is corrected as underlined at paragraphs 3 and 4 as attached hereto.

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Employment Judge **Martin**

18 February 2020

**Important note to parties:**

Any dates for the filing of appeals or reviews are not changed by this certificate of correction and corrected judgment. These time limits still run from the date of the original judgment, or original judgment with reasons, when appealing.



# THE EMPLOYMENT TRIBUNALS

**Claimant:** Miss EJ Russell

**Respondent:** Francis Construction Limited

**Heard at:** Teesside Justice Centre **On:** Tuesday 14<sup>th</sup> January 2020

**Before:** Employment Judge Martin

**Members:**

**Representation:**

**Claimant:** In Person

**Respondent:** Mr Cameron (Employment Consultant)

## ***JUDGMENT ON REMEDIES***

1. The claimant's complaint of breach of contract (notice pay) is well-founded. The respondent is ordered to pay the claimant the sum of £699.02.
2. The claimant's claim for breach of the Working Time Regulations (Holiday Pay) is well-founded. The respondent is ordered to pay the claimant the sum of £91.28.
3. The claimant is awarded compensation for unfair dismissal as follows:-

Basic award	
2x 1.5 x £456.40	£1,369.20

Compensatory award	
Immediate loss	£349.51

5<sup>th</sup> March – 13<sup>th</sup> March

13 <sup>th</sup> March – 1 <sup>st</sup> October (30.5 weeks difference in earnings from wages received to what would have been earnings with the respondent at the rate of £32.83 per week	£1,001.31
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1 <sup>st</sup> October – 14 <sup>th</sup> January 2020 (15 weeks £41.83 being the difference in salary between the claimant's current employment with the respondent	£627.45
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Pension Loss 13 <sup>th</sup> March – 1 <sup>st</sup> October 2019	£320.85	
Subtotal	£2,299.12	
Future loss		
6 weeks £41.83		£250.98
Loss of statutory rights		£500.00
Uplift for failure to follow ACAS Code of Conduct at rate of 20%	£610.00	
Total compensatory award for unfair dismissal		£3,660.10
Total award for compensation for unfair dismissal		<u>£5,029.30</u>

4. The Employment Tribunal (Recoupment of Benefits) Regulations 1996 apply to this award. The prescribed period is 20<sup>th</sup> February 2019 – 13th March 2019. The prescribed element is £349.51.

**EMPLOYMENT JUDGE MARTIN**

**JUDGMENT SIGNED BY EMPLOYMENT  
JUDGE ON 5 February 2020  
JUDGMENT SENT TO THE PARTIES ON**

**5 February 2020**

**AND ENTERED IN THE REGISTER**

**Miss K Featherstone**

**FOR THE TRIBUNAL**

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.