

JB



THE EMPLOYMENT TRIBUNAL

BETWEEN

Claimant

and

Respondent

Mrs M Wilson

**Commonwealth Properties Ltd (In
Liquidation)**

Held at London South (By CVP Video)

On 16 August 2021

**BEFORE: Employment Judge Siddall
Mr A Fairbank
Mr J Turley**

Representation

For the Claimant: Ms E Skinner

For the Respondents: No appearance and no representation

JUDGMENT

The unanimous decision of the tribunal is that:

1. It is declared that the Respondent made unlawful deductions from the salary of the Claimant relating to failure to pay her contractual sick pay for the period from 1 July 2019 until 6 April 2020 (40 weeks). She is awarded the sum of £28,360.78 gross.

2. The Claimant is entitled to pay for holiday that was accrued but was untaken at the date of termination of her employment. This amounts to 33.5 days (25 days for holiday year from 1 January to 31 December 2019 and 8.5 days for the period from 1 January to 6 April 2020). She is awarded £4818.84 gross.
3. The Claimant's claim that she was unfairly dismissed for asserting a statutory right contrary to section 104 of the Employment Rights Act 1996 is well founded and she is awarded a basic award of £8070 and a compensatory award of £15,245.12
4. The claim for breach of contract in relation to twelve month's salary in lieu of notice succeeds and the claimant is awarded the sum of £25,000 gross.
5. The total sum due to the Claimant is £73,424.74.
6. The claim for direct disability discrimination under section 13 of the Equality Act 2010 is dismissed upon withdrawal.
7. The claim for disability-related discrimination under section 15 of the Equality Act 2010 is adjourned to be heard from 24 -26 January 2022.

Employment Judge Siddall
Date: 16 August 2021