



EMPLOYMENT TRIBUNALS

Claimant: Miss E Stokes

Respondent: Job Lot Trading Company Ltd

HELD AT Sheffield

ON: 23 March 2022

BEFORE: Employment Judge Brain

REPRESENTATION:

Claimant: Mr K Boles, Friend

Respondent: Mr G Irons (General Manager)
Mr M Todd (Managing Director)

JUDGMENT

The Judgment of the Employment Tribunal is that:

1. UPON the claimant's complaint pursuant to section 103A of the Employment Rights Act 1996 that she was unfairly dismissed for having made a protected disclosure:
 - 1.1. The claimant made a disclosure qualifying for protection upon the morning of 18 November 2021.
 - 1.2. The entry posted by the claimant upon Facebook on the evening of 18 November 2021 was not a disclosure qualifying for protection.
 - 1.3. The reason for the claimant's dismissal was because of the matter referred to in paragraph 1.2 and not because of that in paragraph 1.1. Accordingly, the complaint in paragraph 1 fails and stands dismissed.
2. UPON the claimant's complaint pursuant to section 94 of the 1996 Act that she was unfairly dismissed:
 - 2.1. The respondent unfairly dismissed the claimant on 16 December 2021.
 - 2.2. Remedy:

Basic award

 - (a) The amount of the basic award is £667.08.

(b) It is just and equitable to reduce the basic award by 50% by reason of the claimant's conduct.

(c) Accordingly, the basic award payable by the respondent to the claimant is in the sum of **£333.54**.

Compensatory award

(d) Acting within the range of reasonable responses, the respondent would fairly have dismissed the claimant on 8 January 2021.

(e) For the period between 17 December 2020 and 8 January 2021 the claimant was unfit to work. Accordingly, the respondent would have paid to her statutory sick pay in a total sum of £172.53 over this three weeks' period.

(f) It is just and equitable to apply an increase of 15% to the loss identified in 2.2 (e) to reflect the respondent's failure to comply with the *ACAS Code of Practice: Disciplinary and Grievance Procedures*. The uplift is in the sum of £25.87.

(g) It is just and equitable to reduce the losses in 2(e) and (f) which are in the total sum of £198.40 by 75% to reflect the claimant's conduct which was causative of the dismissal.

(h) Accordingly, a compensatory award is payable by the respondent to the claimant in the sum of **£49.60**.

2.3 The total sum of **£383.14** shall be paid by the respondent to the claimant on or before 6 April 2022.

3. The claimant's complaint of wrongful dismissal fails and stands dismissed.

Employment Judge Brain

Date: 30 March 2022