



EMPLOYMENT TRIBUNALS

Claimant:

Mrs M Smith

v

Respondent:

Turner Bros. Limited (in Creditors' Voluntary Liquidation)

Heard at: Nottingham (via CVP)

On: 31 March 2022

Before: Employment Judge Fredericks

Appearances

For the claimant: Mr K Thow (lay representative)

For the respondent: Did not attend

JUDGMENT

1. The name of the respondent is amended to Turner Bros. Limited (in Creditors' Voluntary Liquidation).
2. The claimant's complaint of constructive unfair dismissal succeeds and the respondent must pay her the following awards:
 - a. Basic award: **£4,341.36**;
 - b. Compensatory award: **£8,991.77***.
3. The claimant suffered an unlawful deduction of wages and so the respondent must pay her the sum of **£180.37**.
4. The claimant is owed for accrued but untaken holiday and so the respondent must pay her the sum of **£547.84**.
5. The claimant was not provided with any written statement of employment particulars, and it is ordered that the respondent must pay the claimant four weeks' pay in the sum of **£723.56** (the higher amount provided by s38 Employment Act 2002).

6. Consequently, the respondent must pay to the claimant the **grand total of £14,784.90.**

7. **Explanation of compensatory award:*

- a. *£6,150.26 in respect of lost earnings to 25 March 2022;*
- b. *£331.13 in respect of lost pension entitlement;*
- c. *£4,750.72 in respect of lost future earnings (26 weeks as is considered just and equitable in the circumstances);*
- d. *£400.00 in respect of lost statutory rights; and*
- e. *£2,110.38, an uplift of 20% to the compensatory award following the respondent's unreasonable failure to follow ACAS codes of practice in relation to grievances raised.*

Employment Judge Fredericks

31 March 2022

Sent to the parties on:

5 April 2022

For the Tribunal Office: