



EMPLOYMENT TRIBUNALS

Claimant: Ms J Finch

Respondent: The Distribution Business Ltd

Before: Employment Judge Tuck QC (sitting alone)

SECOND CERTIFICATE OF CORRECTION Employment Tribunals Rules of Procedure 2013

Under the provisions of Rule 69, the **Judgment** sent to the parties on **7 March 2022**, is corrected:

1. The claimant is awarded compensation of ~~£6685.68.~~ £8138.16
2. The compensation for the prescribed period of 20/10/20 – 1/9/21 is ~~£3715.44.~~ £5167.92
3. The difference of £2970.24 is payable immediately.

Basic Award: The Claimant had 19 full years of service over the age of 41: her grossly weekly wage was £423 at her EDT;	28.5 weeks x £423	£12,055
Compensatory Award:		
Loss of statutory rights.		£423
Loss of Earnings from EDT 20/10/20 until new job started on 1/9/21. (Prescribed period)	From October 2020 until 11 January 2021 the person who was retained worked full time. Claimant	

	<p>would not have accepted 10% pay cut: she suffered losses of: $\text{£}356 \text{ net per week} \times 12 =$ <u>£4272</u></p> <p>From 11 January 2021 until 30 September 2021 the retained worker worked “flexi-furlough”, on furlough for two days per week and working three days per week. $\text{£}356 / 5 =$ daily rate of $\text{£}71.20$. For working three days = $\text{£}213.60$ For furloughed two days $\text{£}71.20 \times 2 - 20\% =$ $\text{£}113.92$ Weekly loss of $\text{£}213.60 +$ $\text{£}113.92 = \text{£}327.52$</p> <p><u>X 33 weeks = £10,808.16</u></p>	<p>£10,808.16 <u>£15080.16</u></p>
Holiday pay during employment from EDT to new employment commencing:	<p>Assuming the claimant would have taken $\frac{3}{4}$ of her annual leave during the first $\frac{3}{4}$ of the year, she would have had 21 days of holiday pay at 100% of her weekly wage, i.e, $\text{£}356$ net per week rather than $\text{£}327.52$, there is a further shortfall due to the claimant therefore of: $\text{£}356 - \text{£}327.52 / 5 \times 21$</p>	£119.62
Loss of earnings from 1/9/21 to date of remedy hearing, 7/2/22	<u>£356</u> x 28 Weeks	£9968
Future Losses:: 7/2/22 to 19/7/22 – which had been the claimant’s anticipated retirement date:	Ongoing loss of difference between wage with respondent and that earned in new employment: $\text{£}163 \times 23 \text{ weeks}$	<u>£3749</u>

SUMS TO BE DEDUCTED:	Redundancy payment Sums earned in mitigation £193 x 28 weeks	- £12,055 - -£5404
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22. The award adds to a total of ~~£37,122.78~~ **£41,394.78**, less the deductions gives a sum of ~~£19663.78~~ **£23,935.78**. This must be reduced by 66% the Polkey deduction, giving a compensatory award of ~~£6685.68~~ **£8138.16**

23. The compensatory award for the prescribed period is £10,808.16 + £119.62, less 66% = ~~£3715.44~~ **£5167.92**

Employment Judge Tuck QC

Date 18 May 2022

SENT TO THE PARTIES ON

19 May 2022

FOR THE TRIBUNAL OFFICE

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.