



EMPLOYMENT TRIBUNALS

Claimant: Miss Albena Breneska

Respondent: Mediterranean Foods (London) Limited

Heard at: Watford Hearing Centre **On:** 3, 4, 5, 6, 9 & 10 May 2022

Before: Employment Judge G Tobin

Members: Ms P Barratt
Mrs J Hancock

Representation

Claimant: In person

Respondent: Ms J Warren (consultant)

JUDGMENT

The unanimous judgment of the Employment Tribunal is that: -

1. The claimant made 3 protected disclosures under s43B Employment Rights Act 1996, specifically on 3 July 2018, 28 May 2019 and 28 June 2019 respectively.
2. The claimant was subject to 2 out of 4 claimed detriments on the grounds of her whistleblowing or protected disclosures, in contravention of s43B Employment Rights Act 1996. These detriments were her suspension on 1 July 2019 and being blamed unfairly for a colleague's mistake on 29 June 2019 and 1 July 2019.
3. The claimant was dismissed in breach of contract and is owed her notice pay.
4. The respondent unfairly dismissed the claimant, in breach of section s94 Employment Rights Act 1996.
5. The respondent also dismissed the claimant because she had made a protected disclosure, in breach of s103A Employment Rights Act 1996.
6. The claimant was not underpaid in respect of her annual leave entitlement

pursuant to regulations 13 & 30 Working Time Regulations 1998.

7. The claimant is awarded compensation and damages as follows:

		£	
Injury to feelings for protected disclosure detriments -			8,000.00
Notice pay (gross ¹) -			3,150.90
Unfair dismissal compensation	£	£	
Basic award			3,937.50
Compensatory award			
- Loss of statutory rights	500.00		
- Loss of earnings	22,979.41		
- Pension losses	742.96		
- Cost of retraining	7,652.00		
- Expenses in looking for work	<u>250.00</u>		
		<u>32,124.37</u>	
			<u>36,061.87</u>
Total			47,212.77

Recoupment of benefits information²

Prescribed element	£22,979.41
Prescribed period	30 August 2019 to 10 May 2022
Total award	£47,212.77
Balance	£24,233.36

Employment Judge Tobin

11 May 2022

JUDGMENT SENT TO THE PARTIES ON

26/4/2022

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FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

Public access to employment tribunal decisions

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

¹ This award is damages may be reduced by tax and national insurance deduction, if appropriate

² Under Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations 1996