



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Ms N Twebaze**

**v**

**Muji Europe Holdings Ltd**

**Heard at:** London Central (by video)

**On:** 20 - 23 June 2022

**Before:** Employment Judge P Klimov  
Tribunal Member L Moreton  
Tribunal Member P de Chaumont-Rambert

**Representation:**

**For the Claimant:** in person

**For Respondent:** Mr L Welsh (HR Consultant)

## JUDGMENT

1. The Respondent's response is struck out.
2. The Claimant's claim for pregnancy and maternity discrimination (s.18 Equality Act 2010 ("**EqA**")) is dismissed following a withdrawal by the Claimant at the preliminary hearing on 21 July 2021.
3. The Claimant has failed to present her claim for direct race discrimination within the time limit set out in s.123(1)(a) EqA. The Tribunal does not think it is just and equitable to extend the time limit under s.123(1)(b) EqA. Accordingly, the Tribunal does not have jurisdiction to determine the Claimant's claim for direct race discrimination (s. 13 EqA). The claim is dismissed for want of jurisdiction.

4. The Claimant's claim for direct sex discrimination (s. 13 EqA) fails and is dismissed.
5. The Tribunal does have jurisdiction to determine the Claimant's failure to make reasonable adjustments complaint (ss.20, 21 EqA) pursuant to s.123(1)(b) EqA.
6. At all relevant times the Claimant did not have a disability within the meaning of section 6 EqA. Therefore, the Claimant's claim for failure to make reasonable adjustments (ss. 20, 21 EqA) fails and is dismissed.
7. The Claimant was unfairly dismissed by the Respondent. The Respondent is ordered to pay to the Claimant a compensation for unfair dismissal in the total amount of **£14,147** comprising:

<b>Basic Award:</b>	£ 1,614.00
Less SRP received	(£1,614.00)
<b>Total Basic Award</b>	<b><u>£nil</u></b>

**Compensatory Award:**

Immediate Loss (between the effective date of termination 6 August 2020 and the date of the loss assessment – 23/07/2022) (net)

Loss of salary and benefits:

Salary for 5.8 months @ net £2,676.63 per month	£ 15,524.45
Employer pension contribution for 5.8 months @ 8% of gross salary - £280.21 per month	£1,625.22
Less Credit for: Notice Pay received:	(£3,502.67)
Loss of statutory rights:	£500
Immediate Loss	£14,147
“Polkey” reduction	£nil
<b><u>Total Immediate Loss</u></b>	<b><u>£14,147</u></b>

Future Losses (net):

Total Future Loss

£nil

Total Compensatory Award

£14,147

8. For the purposes of regulation 4 of the Employment Protection (Recoupment of Benefits) Regulations 1996:
- (a) The Prescribed Element is: £13,647 = £14,147 (lost earning up to the date of the conclusion of proceedings – 23 June 2022) less £500 (compensation for loss of statutory rights);
  - (b) The Prescribed Period is: 6 August 2020 (EDT) to 23 June 2022 (conclusion of the tribunal proceedings);
  - (c) The total monetary award is: £14,147;

The excess of the total monetary award over the Prescribed Element is: £500.

**Employment Judge Klimov**

23 June 2022

Sent to the parties on:

23/06/2022..

For the Tribunals Office

**Notes**

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.

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**Claimant**                    **Ms N Twebaze**

**Respondent**                **Muji Europe Holdings Ltd**

**ANNEX TO THE JUDGMENT**

**(MONETARY AWARDS)**

Recoupment of Benefits

The following particulars are given pursuant to the Employment Protection (Recoupment of Benefits) Regulations 1996, SI 1996 No 2349.

The Tribunal has awarded compensation to the claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any jobseeker's allowance, income-related employment and support allowance, universal credit or income support paid to the claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the respondent usually within 21 days after the Tribunal's judgment was sent to the parties.

The Tribunal's judgment states: (a) the total monetary award made to the claimant; (b) an amount called the prescribed element, if any; (c) the dates of the period to which the prescribed element is attributable; and (d) the amount, if any, by which the monetary award exceeds the prescribed element. Only the prescribed element is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

**The difference between the monetary award and the prescribed element is payable by the respondent to the claimant immediately.**

When the Secretary of State sends the Recoupment Notice, the respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the respondent must pay the balance to the claimant. If the Secretary of State informs the respondent that it is not intended to issue a Recoupment Notice, the respondent must immediately pay the whole of the prescribed element to the claimant.

The claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the claimant disputes the amount in the Recoupment Notice, the claimant must inform the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the claimant and the Secretary of State.