



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr L Riley-Heenan

**Respondent:** Safety-Kleen U.K. Ltd

**Heard at:** Tribunals Hearing Centre, 50 Carrington Street, Nottingham, NG1 7FG

**On:** 17, 18 and 19 October 2022

**Before:** Employment Judge Adkinson sitting  
with Ms JC Rawlins & Mr A Saddique

## Appearances

**For the claimant:** In person

**For the respondent:** Ms Millin, Counsel

## JUDGMENT

UPON HEARING from the claimant in person and Counsel for the respondent,  
AND UPON considering the evidence

IT IS ORDERED THAT

1. The claim for direct discrimination because of race fails and is dismissed.
2. The respondent constructively and unfairly dismissed the claimant.
3. The respondent must pay to the claimant the following:
  - 3.1. A basic award agreed in the sum of £2,361.46,
  - 3.2. A compensatory award made of the following sums:
    - 3.2.1. For loss of statutory rights, the sum of £500, and
    - 3.2.2. For loss of earnings for the period 23 February 2020 to 14 June 2020 (“the prescribed period”) the sum of £4,941.02 (“the prescribed element”).
4. For the purposes of the **Employment Protection (Recoupment of Jobseeker’s Allowance and Income Support) Regulations 1996** (as amended), the total award is £7,802.48 and the balance (being the total award less the prescribed element in relation to the prescribed period set out above) is £2,861.46.

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Employment Judge Adkinson  
Date: 19 October 2022

**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:** Mr L Riley-Heenan

**Respondent:** Safety-Kleen U.K. Limited

**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.