



EMPLOYMENT TRIBUNALS

Claimant: Dr Ma. Elena Hernandez-Hernandez

Respondent: University of Warwick

Heard at: Birmingham **On:** 10 November 2022

By Cloud Video Platform

Before: Regional Employment Judge Findlay
Sitting with Mrs B Hicks and Mr P Simpson

Representation

Claimant: In person
Respondent: Ms A Reindorf, Counsel

Interpreter: Ms S De Ste Croix (Spanish language)

JUDGMENT ON REMEDY

In respect of the claim for unfair dismissal:

1. No order for re-engagement is made in accordance with section 115 of the Employment Rights Act 1996 as it is not practicable for the respondent to comply with such an order;
2. No basic award is payable because the claimant has received a redundancy payment in the amount that would have been due under section 119 of the 1996 Act, in accordance with section 122 (4)(b);
- 3.1 **Compensatory award:** The respondent shall pay the claimant **£833.04 (net)**, the equivalent of 65% of 2 weeks' pay at the rate of £38,017 (gross) per annum;
- 3.2 The respondent shall pay the claimant 65% of 8.5 hours' pay $£(170.25 \times 0.65) = \mathbf{£110.66 (gross)}$ in respect of accrued holiday pay for 2 weeks;
And
By consent, the claimant is entitled to the sum of **£500** for loss of statutory rights.

In respect of the holiday pay claim:

The respondent shall pay the claimant the sum of **£2839.54 (gross)** in respect of holiday pay, representing 20 days' pay based on £36,914 per annum.

Note: reasons were given orally at the hearing, but as the claimant has requested written reasons, these will follow as soon as practicable.

Regional Employment Judge **Findlay**

18 November 2022