



EMPLOYMENT TRIBUNALS

Claimant: X

Respondents: 1. Y
2. Z

Heard at: Manchester

On: 22-24 March 2023

Before: Employment Judge McDonald
Ms J K Williamson
Mr H Sheard

REPRESENTATION:

Claimant: In person
Respondents: Mr A Gloag, Counsel

JUDGMENT

The judgment of the Tribunal is as follows:

In relation to the second respondent only

1. The claimant's claim of unfair dismissal succeeds. The second respondent is ordered to pay the claimant by way of compensation:
 - A basic award of £976.64. That represents the basic award payable of £2,092.80 (8 years' service x 1.5 age multiplier x £174.40 per week) less the payment of £1,116.16 redundancy payment received by the claimant from the second respondent.
 - A compensatory award of £9,068.80. That is awarded net on the basis that the claimant will not be liable for tax on it. If that assumption is incorrect the claimant should apply to reconsider the judgment asking that the figure be grossed up to account for the tax payable.
2. The claimant's claim of wrongful dismissal succeeds. She is entitled to eight weeks' notice and the second respondent is ordered to pay her £1,395.20 for breach of contract representing gross pay for that period.

3. The claimant's claim that the second respondent failed to pay her holiday pay at the correct rate succeeds. Her holiday pay was calculated on the basis of 16 hours per week rather than 20 hours per week. She had accrued an entitlement of 2.33 weeks. The second respondent is ordered to pay the claimant the sum of £406.35.
4. The claimant's claim that the second respondent made a series of unauthorised deductions from her wages in the two years preceding the issue of the claim succeeds. The second respondent is ordered to pay the claimant the sum of £4,527.11 in relation to this claim.
5. The total amount payable to the claimant by the second respondent is £16,374.10.
6. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996 do not apply to this award.

In relation to the first and second respondents

7. The claimant's claims that the first and second respondents discriminated against her arising from her disability (section 15 of the Equality Act 2010) and failed to make reasonable adjustments (sections 20 and 21 of the Equality Act 2010) fail and are dismissed.

Employment Judge McDonald

Date: 24 March 2023

JUDGMENT SENT TO THE PARTIES ON
6 April 2023

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

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.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2418051/2020**

Name of case: **X** v **Z**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

the relevant decision day in this case is: 6 April 2023

the calculation day in this case is: 7 April 2023

the stipulated rate of interest is: **8% per annum**.

Mr S Artingstall
For the Employment Tribunal Office

GUIDANCE NOTE

1. There is more information about Tribunal judgments here, which you should read with this guidance note:

www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, you can ask for a paper copy by telephoning the Tribunal office dealing with the claim.

2. The payment of interest on Employment Tribunal awards is governed by The Employment Tribunals (Interest) Order 1990. Interest is payable on Employment Tribunal awards if they remain wholly or partly unpaid more than 14 days after the **relevant decision day**. Sums in the award that represent costs or expenses are excluded. Interest starts to accrue from the day immediately after the **relevant decision day**, which is called **the calculation day**.
3. The date of the **relevant decision day** in your case is set out in the Notice. If the judgment is paid in full by that date, no interest will be payable. If the judgment is not paid in full by that date, interest will start to accrue from the next day.
4. Requesting written reasons after you have received a written judgment does **not** change the date of the **relevant decision day**.
5. Interest will be calculated as simple interest accruing from day to day on any part of the sum of money awarded by the Tribunal that remains unpaid.
6. If the person paying the Tribunal award is required to pay part of it to a public authority by way of tax or National Insurance, no interest is payable on that part.
7. If the Secretary of State has claimed any part of the sum awarded by the Tribunal in a recoupment notice, no interest is payable on that part.
8. If the sum awarded is varied, either because the Tribunal reconsiders its own judgment, or following an appeal to the Employment Appeal Tribunal or a higher court, interest will still be payable from **the calculation day** but it will be payable on the new sum not the sum originally awarded.
9. The online information explains how Employment Tribunal awards are enforced. The interest element of an award is enforced in the same way.