



EMPLOYMENT TRIBUNALS

Claimant: Miss J Levell

Respondent: Demicon Limited

Heard at: Manchester (by CVP)

On: 5 May 2023

Before: Employment Judge Leach
Ms J Whistler
Mrs J Byrne

REPRESENTATION:

Claimant: In person

Respondent: Mr Fakunle, Solicitor

JUDGMENT – REMEDY

1. This hearing was listed to determine remedy, findings having already been made in the claimant's favour in some (but not all) of her complaints.

Unauthorised deduction from wages.

2. The claimant was entitled to receive statutory guarantee payments of £150, during the time that she was placed on short time working. She was not paid these.

3. The claimant was not paid for 2 days work that she carried out in June (during her notice period). She should have received gross pay for these of £192.30

4. The total amount of unpaid wages therefore is the total of the amounts at 2 and 3, being **£342.30 (gross)**. The respondent must now pay this amount, less any tax due.

Equality Act 2010 – breach of section 15.

5. Loss of income (wages and employer pension contributions, during employment when on short time working) **£2750.88.**

6. Loss of income (after termination of employment) **£11,867.30**

7. Injury to feelings - **£6000.00**

8. Application of Interest (Employment Tribunals (Interest of Awards in discrimination cases) (Amendment) Regulations 2013):

a. Loss of income, applying a mid-point calculation date of 15 August 2020 (halfway between the act of discriminatory act and the end of the period when loss of earnings occurred) Interest applies to the amount (£14618.18 – being the sum of the amounts at 5 and 6 above) from the midpoint calculation date at an annual rate of 8%. The period over which interest is paid at this rate is 2 years and 38 weeks. This amounts to **£3193.00**

b. To the injury to feelings award of £6000. The period over which interest is paid is from the date of the discriminatory act (being 25 March 2020) to date of this hearing. This is 3 years and 6 weeks. The amount of interest payable is **£1495.00**

9. Total amount payable (Equality Act 2010) therefore (the total of the amounts at 5 plus 6 plus 7 plus 8) **£25,306.18.**

Employment Rights Act 1996 – detriment (health and safety)

10. We do not make any separate award for this. The losses incurred and feelings injured are already compensated for by the awards made under the Equality Act 2010.

Breach of contract.

11. As the claimant worked her notice period, no additional amount is payable. The claimant was not fully compensated for the work done during notice period but this is already reflected in the awards made under unauthorised deductions above.

ACAS Uplift

12. We decided an uplift of 10% should be applied. This is applied to the awards at 4 and 9 above (the total of 25648.48)

13. 10% of this is **2564.85**

Summary and Conclusion

14. The respondent must now pay the claimant:

1. The amount at 4 above, being **342.30 gross (payment to be made less tax)**

2. The total of the amounts at 9 and 13 above, being **£27871.03**

Employment Judge Leach
DATE: 5 May 2023

JUDGMENT SENT TO THE PARTIES ON
11 May 2023

FOR THE TRIBUNAL 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.

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: **2415525/2020**

Name of case: **Miss J Levell** v **Demicon Ltd**

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: 11 May 2023

the calculation day in this case is: 12 May 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.