

JB



THE EMPLOYMENT TRIBUNAL

BETWEEN

Claimant

and

Respondent

Ms M B Almiron

**Hoil Dental
Manufacturing Solutions Limited**

Held at Croydon

On 9 10 and 11 August 2023

**BEFORE: Employment Judge Siddall
Ms N O'Hara
Mr M Marenda**

Representation

For the Claimant: Mr G Bocazzi

For the Respondent: Mr J J Oh

CORRECTED JUDGMENT

The decision of the tribunal is that:

1. The claim that the Claimant was unfairly dismissed in accordance with section 100 of the Employment Rights Act 1996 succeeds.
2. The claim that the Claimant was unfairly dismissed in accordance with section 103A of the Employment Rights Act 1996 succeeds.
3. The Claimant is awarded a compensatory award for unfair dismissal (for the period 22 January 2021 to 4 May 2021) of £1545 calculated as:

- a. 15 weeks' loss of earnings at £200 net per week; and
 - b. 15 weeks' pension loss calculated as 3% of £200 pw;
 - c. Less a 50% 'Polkey' reduction to reflect the chance that the Claimant would not have remained in the Respondent's employment until 4 May 2021.
4. The claim under section 38 of the Employment Act 2002 succeeds and the Claimant is awarded four weeks' pay at £200 per week net, totalling £800.
 5. The claim of unlawful direct discrimination because of the protected characteristic of sex contrary to section 13 of the Equality Act succeeds and the Claimant is awarded:
 - a. Loss of bonus of £300 gross
 - b. 12 additional hours pay for October 2020 amounting to £120 gross
 - c. An award for injury to feelings of £5000.
 6. The Claimant is awarded interest on the award for injury to feelings of £1129.70 and interest on 5a and 5b of £46.22.
 7. The total award including interest is £8940.22.
 8. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply to this award.
 9. The total monetary award is £8940.22.
 10. The amount of the prescribed element is £1500.
 11. The prescribed period is 22 January 2021 to 4 May 2021.
 12. The amount by which the monetary award exceeds the prescribed element is £7440.92.

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Employment Judge Siddall
Date: 15 November 2023.