



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Whiteside

**Respondent:** Unilever UK Limited

**Heard at:** Liverpool

**On:** 19 March 2024

**Before:** Employment Judge Benson  
Ms F Crane  
Mr J Murdie

## REPRESENTATION:

**Claimant:** in person

**Respondent:** Mr J Boyd - counsel

## JUDGMENT ON REMEDY

1. The respondent shall pay the claimant the following sums in respect of his successful claim that he had been unfairly dismissed:

- (a) A basic award of **£2259.60**.
- (b) A compensatory award of **£28,345.66** net.

2. The respondent shall pay the claimant **£14,738.00** gross as damages for breach of his contract. The claimant will account for his own tax on this sum.

The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply:

**Employment Judge Benson**  
**8 April 2024**

Judgment sent to the parties on:  
22 April 2024  
For the Tribunal:

## Schedule

### Unfair Dismissal

#### Basic Award

£538.00 (statutory cap on a week's pay) x 6 (4 years continuous employment x 1.5)  
£3228.00

It is just and equitable to reduce the basic award payable to the claimant by 30 % because of the claimant's conduct before the dismissal.

Therefore less	<u>£968.40</u>
	<b><u>£2259.60</u></b>

#### Compensatory Award

Weekly losses:	salary (net):	£737.90
	Employer pension contributions:	£45.91
	Health insurance:	<u>£27.21</u>
	Total weekly losses:	£811.02 (net)

Losses from end of notice period (10.1.21) to date of remedy hearing (19.3.24) is 166 weeks.

166 x £811.02	£134,629.32
Loss of Statutory Rights	<u>£350.00</u>
Total losses	£134,979.32

#### Adjustments

The claimant was unable to work or mitigate his losses because of his depression and anxiety during the period from his dismissal to today's date. We conclude from the medical evidence and the evidence of the claimant, that his depression and anxiety was pre-existing but was exacerbated by his dismissal to the extent of 30%. Even if the respondent had not dismissed the claimant or confirmed that dismissal on

appeal, there was a high likelihood (assessed as 70%) that the claimant would still not have returned to work because of his anxiety and depression. Therefore:

**Less 70%** to reflect that the claimant losses were only partially caused by his dismissal: £94485.52  
£40,493.80

The Tribunal has found that the claimant contributed to his dismissal to the extent of 30%. Therefore:

**Less 30%** £12,148.14  
£28,345.66

### **Wrongful Dismissal**

3 months' notice x £1060.62 gross £14,738.00

### **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](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

### **Recording and Transcription**

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2402041/2021**

Name of case: **Mr J Whiteside** v **Unilever UK Limited**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party 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: 22 April 2024

**the calculation day** in this case is: 23 April 2024

**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](http://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.