



EMPLOYMENT TRIBUNALS

Claimant: Mr H. Khan
Respondent: Swissport GB Ltd
Heard at: East London Hearing Centre
On: 10 January 2025
Before: Employment Judge Massarella
Members: Mr M. Rowe
Mr J. Hutchings

Representation

Claimant: In person
Respondent: Ms. Williams (solicitor)

JUDGMENT ON REMEDY

The Tribunal's judgment on remedy in respect of the Claimant's successful unfair dismissal claim is as follows:

1. the Claimant is entitled to a basic award of £5,647.50, calculated by reference to a period of continuous employment of 18 years and a grossly weekly wage of £313.75;
2. the Claimant is entitled to a compensatory award of £3,381.21, made up of the following:
 - a. an award for loss of net earnings between 1 May and 31 December 2023 (£2,981.21), and
 - b. an award for loss of statutory rights (£400);
3. the award for loss of earnings may be subject to recoupment: the parties' attention is directed to the provisions for payment of this award, as set out in the Annex to this judgment.

Employment Judge Massarella
Date: 13 January 2025

ANNEX TO THE JUDGMENT (MONETARY AWARDS)

Recoupment of Jobseeker's Allowance, income-related Employment and Support Allowance and Income Support

The following particulars are given pursuant to the Employment Protection (Recoupment of Jobseekers Allowance and Income Support) Regulations 1996, SI 1996 No 2349, Reg 4 and SI 2010 No 2429 Reg 5.

- (a) Monetary award: £9,028.71 (the total of the basic and compensatory awards).
- (b) Prescribed element: £2,981.21 (the amount of net lost earnings suffered by the Claimant in the prescribed period).
- (c) Period to which (b) relates: 1 May to 31 December 2023 (the period of loss for which the Claimant is being compensated).
- (d) Excess of (a) over (b): £6,047.50.

The Tribunal has awarded compensation to the Claimant, but not all of it should be paid immediately. This is because the Secretary of State has the right to recover (recoup) any relevant benefits paid to the Claimant after dismissal. This will be done by way of a Recoupment Notice, which will be sent to the Respondent, usually within 21 days after the Tribunal's judgment was sent to the parties.

Only the prescribed element (item (b) above) is affected by the Recoupment Notice and that part of the Tribunal's award should not be paid until the Recoupment Notice has been received.

The difference between the monetary award and the prescribed element (item (d) above) is payable by the Respondent to the Claimant immediately.

When the Secretary of State sends the Recoupment Notice, the Respondent must pay the amount specified in the Recoupment Notice to the Secretary of State. This amount can never be more than the prescribed element of any monetary award. If the amount is less than the prescribed element, the Respondent must pay the balance to the claimant. If the Secretary of State informs the Respondent that it is not intended to issue a Recoupment Notice, the Respondent must immediately pay the whole of the prescribed element to the Claimant.

The Claimant will receive a copy of the Recoupment Notice from the Secretary of State. If the Claimant disputes the amount in the Recoupment Notice, the Claimant must inform

the Secretary of State in writing within 21 days. The Tribunal has no power to resolve such disputes, which must be resolved directly between the Claimant and the Secretary of State.