EMPLOYMENT TRIBUNALS

Claimant: Miss D Tupou

Respondent: Edwards Commercial Cleaning Services (North) Limited

HELD AT: Leeds   **ON:** 24 and 25 May 2018

BEFORE: Employment Judge Little

REPRESENTATION:

Claimant: In person
Respondent: Mr A Dagys (General Manager)

JUDGMENT

My Judgment is that:-

1. The claimant made a qualifying protected disclosure in her email of 7 September 2017 addressed to Mr Dagys.

2. That email also fulfilled the requirements of the Employment Rights Act 1996 section 100(1)(c) – bringing to the respondent's attention by reasonable means circumstances connected with the claimant's work which she reasonably believed were harmful or potentially harmful to health and safety.

3. The reason or principal reason for the claimant's dismissal was that disclosure with the result that the dismissal is automatically unfair under the provisions of the Employment Rights Act 1996 section 100 and section 103A.

4. The claimant has failed to fully mitigate her loss with the result that the compensation which I award reflects 26 weeks loss of pay at £113 per week (£2938).

5. The respondent unreasonably failed to comply with the ACAS Code on Disciplinary and Grievance Procedures with regard to the claimant's appeal against dismissal. I find that it is just and equitable to increase the award to the claimant by 25% (£734.50).

6. Accordingly the total award of compensation which is payable by the respondent to the claimant forthwith is £3672.50.

Employment Judge Little

Date: 30 May 2018

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.

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