

RM



EMPLOYMENT TRIBUNALS

Claimant: Mr J Allison
Respondent: Poundland Limited
Heard at: East London Hearing Centre
On: 6TH - 9TH March 2018
Before: Employment Judge McLaren
Representation:
Claimant: Mr Taylor, Counsel.
Respondent: Mr Macmillan, Counsel.

JUDGMENT

1. The Claimant was unfairly dismissed. The reason for dismissal was:
 - 1.1 carrying out functions as a trade union health and safety representative (s. 100 (1) (b) ERA); and
 - 1.2 taking steps to protect himself and others from imminent danger (s.100 (1) (e) ERA); and
 - 1.3 making a protected disclosure on 22nd December 2016.
2. The Respondent shall pay the following sums to the Claimant:
 - 2.1 A basic award of £5,970 (being the minimum payable under s 101(1)(b))
 - 2.2 A compensatory award of £18,355 comprising:
 - (i) Loss of earnings from 23rd January 2017 to 23rd August 2017, 30 weeks at @438 a week: £13,140
 - (ii) Loss of statutory rights: £350
 - (iii) Uplift for failure to follow ACAS Code on Disciplinary and Grievances @25%: £4865.

3. **The Claimant obtained employment at a higher pay on 23rd August 2017. He claimed universal credit of £84 a week from 19th April 2017 for 18 weeks, (£1512).**
4. **For recoupment purposes; (a) monetary award £24,325; (b) prescribed element £1512; (c) period of prescribed element 19/4/17 to 22/8/17. The excess of the monetary award over the prescribed element is £ 22,813.**

Employment Judge McLaren

12 March 2018