



EMPLOYMENT TRIBUNALS

Claimant: Ms S Gilbert

Respondent: FMJ Products Limited

Heard at: Birmingham

On: 5, 6, 7 & 8 March 2024

Before: Employment Judge Flood
Mr Morrison
Mr Simpson

REPRESENTATION:

Claimant: In person

Respondent: Ms Evans-Jarvis (Solicitor)

JUDGMENT

The judgment of the Tribunal is as follows:

Unfair Dismissal

1. The complaint of unfair dismissal under Part X Employment Rights Act 1996 is well-founded. The claimant was unfairly dismissed. The respondent is ordered to pay the claimant the following:
 - (a) A basic award in the sum of £2755,
 - (b) A compensatory award in the sum of £24267.62
2. The state benefit of Universal Credit that was received by the claimant following her dismissal is subject to recoupment under the Employment Protection (Recoupment of Benefits) Regulations 1996. The total monetary award for unfair dismissal is £27022.62, being the total of the basic and compensatory awards. These regulations provide that where a monetary award is made by the Tribunal, it must identify any part of that award that constitutes the prescribed element (past loss of earnings) and the period to which it relates. The prescribed element is £19,686.12, and the period to which that element is attributable is between 6 January 2023 and 8 March 2024. The amount by which the monetary award for unfair dismissal exceeds the prescribed element is £7336.50. Further information on the operation of recoupment is provided in the attached Annex.

No Written Statement - Increase of Award

3. The respondent failed in its duty to provide the claimant with a written statement of the main terms of employment complying with section 1 Employment Rights Act 1996. Pursuant to section 38 of the Employment Act 2002 the above award is increased by the sum of £2204, being four weeks' gross pay.

Pregnancy and Maternity Discrimination

4. The complaint of pregnancy and maternity discrimination contrary to section 18 (4) of the Equality Act 2010 is not well founded and is dismissed

Employment Judge Flood

4 March 2024