



THE EMPLOYMENT TRIBUNAL

Claimant **Mr Tony Craig**

Respondents **(1) Bowman Haulage Ltd**
 (2) Mr Damian Bowyer

JUDGMENT

Employment Tribunal Rules of Procedure 2013 – Rule 21

1. The claim of unfair dismissal against the first respondent is well founded.
 - a. The claimant is entitled to a basic award for unfair dismissal of £8,365.83.
 - b. The claimant would be entitled to a compensatory award of £2,321.06. This is increased by 25% as a result of the first respondent's unreasonable failure to comply with the ACAS Code of Practice. The tribunal therefore orders the first respondent to pay the claimant a compensatory award of £2,901.33.
2. The claim of wrongful dismissal against the first respondent is well founded.
 - a. The tribunal orders the first respondent to pay the claimant compensation for wrongful dismissal of £3,457.09.
3. The claim against the first respondent, of failure to pay outstanding holiday pay, is well founded.
 - a. The tribunal orders the first respondent to pay the claimant holiday pay of £780.00
 - b. This sum has been ordered gross, and may be liable for deductions for tax and national insurance.
4. The claim against the first respondent, of failure to provide itemised pay statements, is well founded.

5. The claim against both respondents, of direct disability discrimination, is well founded.
6. The claim against both respondents, of discrimination arising from disability, is well founded.
7. The claim against both respondents, of indirect disability discrimination, is well founded.
8. The claim against both respondents, of failure to make reasonable adjustments, is well founded.
 - a. The claimant would be entitled for compensation for injury to feelings (caused by the discrimination) of £10,000. This is increased by 25% because of the respondents' unreasonable failure to comply with the ACAS Code of Practice. The tribunal therefore orders the respondent to pay the claimant compensation for discrimination of £12,500.
 - b. Interest on the above sum is payable in the amount of £35.62.
9. The Recoupment Regulations do not apply

Employment Judge Emerton

Date 5 December 2018