



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss C Fogarty

**Respondent:** Colman Greaves Fabrications Limited

**Heard at:** Manchester **On:** 3 January 2019

**Before:** Regional Employment Judge Parkin

## REPRESENTATION:

**Claimant:** In person

**Respondent:** No response presented and no representation

## JUDGMENT AT A REMEDY HEARING

### The judgment of the Tribunal is that:

1. The claimant was unlawfully directly discriminated against because of her protected characteristics of age and sex in being dismissed by the respondent on 28 February 2018 from her employment as Office Manager. The respondent is ordered to pay the claimant compensation for loss of earnings in the total sum of £11,220.00, representing 34 weeks' loss at her net rate of £330 per week until the commencement of her alternative employment. In addition, pursuant to the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996, the respondent is ordered to pay the claimant interest in the total sum of £381.17, representing 155 days at the mid-point between the date of discrimination, 28 February 2018, and the date of hearing at the standard rate of 8%.

2. The claimant was also unfairly dismissed by the respondent. The respondent is ordered to pay the claimant a Basic Award of compensation in the sum of £760 representing 2 years' continuous service, both when aged over 22 years, at her gross week's pay of £380, together with a Compensatory Award of 2 weeks' pay for loss of statutory rights in the sum of £760. No additional award for loss of earnings is made in view of the discrimination award. The Recoupment Regulations do not apply to this award.

3. The claimant was wrongfully dismissed in breach of contract by the respondent in respect of notice pay. No separate award of damages is made in view of the discrimination award.

4. Pursuant to Regulation 14 of the Working Time Regulations 1998, the respondent is ordered to pay the claimant compensation in lieu of accrued paid annual leave entitlement representing 174 hours in the sum of £1,740 gross.

Regional Employment Judge Parkin

Date: 4 January 2019

JUDGMENT SENT TO THE PARTIES ON

8<sup>th</sup> January 2019

FOR THE TRIBUNAL OFFICE

**Note**

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by the claimant 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.

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2410534/2018**

Name of **Miss C Fogarty** v **Colman Greaves**  
case(s): **Fabrications Ltd**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **8 January 2019**

"the calculation day" is: **9 January 2019**

"the stipulated rate of interest" is: **8%**

MR J HANSON  
For the Employment Tribunal Office