



EMPLOYMENT TRIBUNALS

Claimant: Mr A Constantine

Respondent: Lawson Civil engineering and Utilities Ltd

Heard at: Mold **On: 9, 10, 11 and 12 September 2019**

Before: Employment Judge RL Brace
Ms C Peel
Mrs L Owen

Representation:

Claimant: Ms M Thursfield (Solicitor)

Respondent: Mr R Johns (Counsel)

JUDGMENT

1. The respondent has failed in its duty under s.20 Equality Act 2010 to make reasonable adjustments and the claim is well-founded. The duty to make the reasonable adjustment arose on 14 January 2017.
2. The respondent has discriminated against the claimant contrary to s15 Equality Act 2010 and the claim is well founded.
3. The claimant has been unfairly dismissed.
4. The respondent is in breach of the claimant's contract of employment in terminating the contract without notice or pay in lieu of notice and is not entitled to the benefit of its deduction from wages clause.
5. The claimant has been subjected to an unlawful deduction from wages to the extent of the training costs withheld.

It is ordered that the respondent pay to the claimant the following amounts:

Unfair Dismissal		
Basic Award	£1,863.00	
Compensatory Award	£17,940.00	
Loss of statutory rights	£500.00	
25% uplift for failure to follow ACAS Code	£4,485.00	£24,788.00
Discrimination		
Injury to feelings	£6,000.00	
Interest @8% from 4 August 2017 to date of hearing @£1.32 per day	£1,015.08	£7,015.08
Unlawful deduction		
Training costs	£493.35	£493.35
Total award		£32,296.43

Employment Judge RL Brace

Dated: 02 October 2019

JUDGMENT SENT TO THE PARTIES ON

.....6 October 2019.....

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FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS

NOTE:

This is a written record of the Tribunal's decision. Reasons for this decision were given orally at the hearing. Written reasons are not provided unless (a) a party asks for them at the hearing itself or (b) a party makes a written request for them within 14 days of the date on which this written record is sent to the parties. This information is provided in compliance with Rule 62(3) of the Tribunal's Rules of Procedure 2013.

Written reasons were requested at the hearing and will be provided separately.