



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Pitts

**Respondent:** Rural Retreats & Leisure Ltd

**HELD AT:** Mold **ON:** 5 September 2018

**BEFORE:** Employment Judge T. Vincent Ryan

## REPRESENTATION:

**Claimant:** Mr. I Winnrow, solicitor

**Respondent:** absent, no ET3 Response received.

# JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's claim of indirect disability discrimination (s.19 Equality Act 2010) was incorrectly labelled and is amended such that the same allegations amounted to a claim of discrimination arising from disability contrary to section 15 Equality Act 2010.
2. The claimant's following claims are well-founded and succeed, and the tribunal therefore declares:
  - 2.1 The claimant was unfairly dismissed by the respondent on 9 August 2017;
  - 2.2 The respondent directly discriminated against the claimant by dismissing him because of his protected characteristic of disability;
  - 2.3 The respondent discriminated against the claimant by treating him unfavourably because of something arising in consequence of his disability when it reduced his hours of work and required him to accept a contract revising his terms and conditions of employment in March 2017;

2.4 The respondent failed to comply with its statutory duty to make reasonable adjustments in respect of its requirements of the claimant to perform certain duties subject to the imposed time constraints and expectations;

2.5 The respondent failed to pay to the claimant holiday pay due to him on termination of his employment;

2.6 The respondent failed to comply with an applicable code of practice in relation to the claimant's dismissal. The claimant's award in respect of Unfair Dismissal shall be uplifted by 25%.

3 The respondent shall pay to the claimant an award of £27,907.42 made up as follows:

3.1 Unfair Dismissal:

3.1.1 Basic Award: £4,334.00

3.1.2 Compensatory Award:

3.1.2.1 Loss of earnings 09.08.17 – 04.04.18 34 weeks @ £192 pw: £6,528.00

3.1.2.2 Loss of earnings 04/04/18 – 22/08/18  
04.04.18 – 22.08.18 20 weeks at £92:  
£1,840.00

3.1.2.3 Loss of pension contributions 34 weeks  
@£1.97 pw: £66.98

3.1.2.4 Loss of statutory rights: £394.00

3.1.2.5 Subtotal: £13,162.98

3.1.2.6 Plus 25% uplift: £3,290.75

3.1.2.7 TOTAL: £16,453.73

3.1.2.8 The recoupment provisions apply in respect of the period 09.08.17 – 04.04.18.

3.2 Breach of contract – Notice: the claimant was a long-serving and loyal but vulnerable employee who required time to understand, address and adjust to matters and he was entitled to 12 week's statutory notice: £2,304.00 (notwithstanding the award at 3.1.2.1).

3.3 Disability Discrimination:

3.3.1 Damages for injury to feelings: £8,500.00

3.3.2 Interest at 8% from midway point of 23.03.17 – 05.09.17  
being 37 weeks: £457.69

3.3.3 Total: £8,957.69

3.4 Holiday Pay: 5 days net pay:£192.00

3.5 SUMMARY:

3.5.1 Unfair Dismissal:	£16,453.73
3.5.2 Breach of Contract:	£2,304.00
3.5.3 Discrimination:	£8,957.69
3.5.4 Holiday Pay:	<u>£192.00</u>
3.5.5 TOTAL:	£27,907.42

Employment Judge T. V. Ryan

Date: 06.09.18

JUDGMENT SENT TO THE PARTIES ON

6 September 2018

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 either party at the hearing (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.