



EMPLOYMENT TRIBUNALS

Claimant: Mr T Guy
Respondent: Highland Medical Limited
Heard at: Cardiff **On:** 21 August 2019
Before: Employment Judge Emery
Representation:
 Claimant: Mr D Izilein
 Respondent: Ms C Elvin

REMEDY JUDGMENT

The Judgment of the Tribunal is that the claimant is awarded the following sums:

Basic Award

2 years employment: £978 less 25% contributory fault: **£734**

Notice Pay

3 months x net monthly pay of £3,143	£9,429	
Less income received Aug-Nov 2017	(£2,429)	£7,000

Compensation Award

Nov 17-Oct 18: £3,143 x 12	£37,716	
Less net income received Nov 17-Oct 18	(£7,466)	

Less: 25% Polkey reduction	(£7,563)	
Less: 25% contributory fault	(£5,672)	

Total compensatory award: **£17,015**

TOTAL AWARD: £24,749

REASONS

1. The award set out above differs from the interim award made at tribunal, for the reasons set out below.
2. The order of deductions for unfair dismissal compensation: Following the principles set out in *Digital Equipment Co Ltd v Clements (No.2)* [1998] IRLR 134, the order applicable to the facts of this case is as follows:
 - a. Net wages due to the claimant for the period of the compensation award
 - b. Less sums earned by the claimant in alternative employment during this period
 - c. Percentage deduction from the balance of (a) – (b) under the principle in *Polkey v AE Dayton Services* [1987] IRLR 503
 - d. Percentage reduction from the balance of (a) – (b) – (c) for any contributory conduct on the part of the employee.
3. Notice pay award: This has been recalculated as the Tribunal has no power to make deductions for Polkey or contributory conduct from an award of notice pay.
4. Basic Award: This has been recalculated as the Tribunal has no power to make a Polkey deduction from this award.
5. Interest Award: given the significant uplift in the awards for compensation I have declined to make an award for interest given there is no legal requirement to do so.

Employment Judge Emery
Dated: 22 September 2019

JUDGMENT SENT TO THE PARTIES ON

23 September 2019

FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS