



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J L Hermosa Mateos  
**Respondent:** Whitbread Group plc  
**Heard at:** East London Hearing Centre  
**On:** 8 November 2019  
**Before:** Employment Judge Gardiner  
Mr G Tomey  
Mr M Wood

## Representation

**Claimant:** In person  
**Respondent:** Mr Bownes, Solicitor

# REMEDY JUDGMENT

**The judgment of the Tribunal is that:-**

1. In relation to the unfair dismissal claim, the Claimant is awarded :
  - a. A basic award of **£3810**;
  - b. A compensatory award of **£2,889.32**, comprising :
    - i. £2,389.31 for the financial elements (being 40% of the financial losses flowing from the Claimant's dismissal, namely loss of earnings £3893.05; loss of pension £235.99; loss of profit on share sale agreement £1844.25; making a total of £5973.29); and
    - ii. £500 for loss of statutory rights.
2. For the purposes of recoupment of benefits, the protected period runs from **28 September 2018 to 6 May 2019**, and the protected sum is **£1557.22**.

3. In relation to the award for disability discrimination contrary to Sections 15 and 21 of the Equality Act 2010, the Claimant is awarded :
  - a. The sum of **£15,000** for injury to feelings;
  - b. The sum of **£1451.44** for interest (being £1,312 on injury to feelings and £139.44 on the financial consequences of the dismissal);
4. No further sum is due in relation to financial compensation for the disability discrimination award, because it has already been awarded as part of the compensatory award for unfair dismissal.
5. The Claimant's claim for a recommendation is dismissed.
6. The Respondent's application for a stay whilst an appeal is pending is rejected.

Employment Judge Gardiner

18 November 2019

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 or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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