



## EMPLOYMENT TRIBUNALS

**Claimant**

Mr R Terrebonne

v

**Respondent**

NM Telecom Limited

### REMEDY JUDGMENT PURSUANT TO LIABILITY JUDGMENT DATED 24 JUNE 2019

Heard at: **Exeter**

On: **22 November 2019**

Before: **Employment Judge Goraj**

#### Appearances

**For the Claimant:** in person

**For the Respondent:** did not attend and no response entered

## JUDGMENT

### THE JUDGMENT of the Tribunal is that: -

1. The claimant is awarded, and the respondent is ordered to pay to the claimant, the sum of £1,250 in damages for breach of contract for notice as calculated in the Schedule below.
2. The claimant is awarded, and the respondent is ordered to pay to the claimant, a compensatory award for his unfair dismissal contrary to section 103A of the Employment Rights Act 1996 ("the Act") in the sum of £16,965 as calculated in the Schedule below.
3. The compensatory award is uplifted by 10 per cent pursuant to section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 to a total sum of £18,661.50 (£16,965 +£1,696.50).
4. The claimant is awarded, and the respondent is ordered to pay to the claimant, compensation for injury to feelings in the sum of £5,000 in respect of the pre- termination public interest disclosure detriments identified at paragraph 8.6 of the case management order dated 7 January 2019 ("the Order dated 7 January 2019").

5. The claimant is awarded, and the respondent is ordered to pay to the claimant, compensation for injury to feelings in the sum of £5,000 in respect of the pre- termination harassment related to race (contrary to section 26 of the Equality Act 2010 (“the 2010 Act “)) identified at paragraph 9.1 of the Order dated 7 January 2019. The claimant is also awarded, and the respondent is ordered to pay to the claimant, interest in the sum of £683.48 (calculated as set out in the Schedule below) pursuant to the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996 (“the Interest Regulations”) in respect of such award.
6. The claimant is awarded, and the respondent is ordered to pay to the claimant, compensation for injury to feelings in the sum of £8,500 in respect of the victimisation for doing a protected act (contrary to section 27 of the 2010 Act) as identified at paragraph 11 of the Order dated 7 January 2019 (including the pre- termination victimisation identified at paragraphs 11.2.1 – 11.2.4). The claimant is also awarded and the respondent is ordered to pay to him interest in the sum of £1,166.22 (calculated as set out in the Schedule below) pursuant to the Interest Regulations in respect of such award.
7. The claimant is awarded, and the respondent is ordered to pay to the claimant, a further sum of £2,500 by way of aggravated damages.
8. The claimant is therefore awarded and the respondent is ordered to pay to him the total sum of £42,761.20 (£1,250+£18,661.5+£5,000+£5,000+£683.48+ £8,500+£1.166.22 +£2,500).
9. The Employment Protection (Recoupment of Benefits) Regulations 1996 apply in this case (“the Regulations”). For the purposes of the Regulations: - (a) the total monetary award is £42,761.20 (b) the amount of the prescribed element is £16,965 (c) the dates to which the prescribed element is attributable is from 7 March 2018 until 22 November 2019 and (d) the amount by which the monetary award exceeds the prescribed element is £25,796.20.

### THE SCHEDULE

1. **Notice pay** - £312.50 net x 4 weeks = £1,250.
2. **Compensatory Award**
  - (1) Loss of net earnings for 12 months from 7 March 2018 (52 x net weekly pay) = £16,250.
  - (2) Loss of pension rights - £715 (subtotal £16,965).
  - (3) Plus 10% per cent pursuant to section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 = £18,661.50.
3. **Interest on the award for injury to feelings in respect of the award of £5,000 at paragraph 5 above pursuant to the Interest Regulations** – daily rate of interest (at 8 per cent per annum) = £1.09 x 627 day (5 March 2018 to 22 November 2019) = £683.48.

4. **Interest on the award for injury to feelings in respect of the award of £8,500 at paragraph 6 above pursuant to the Interest Regulations.** - daily rate of interest (at 8 per cent per annum) = £1.86 x 627 days (5 March 2018 to 22 November 2019) = £1,166.22.

Employment Judge Goraj

Dated 30 November 2019

Judgment sent to parties: 10 December 2019

FOR THE TRIBUNAL OFFICE

As reasons for the Judgment were announced orally at the Hearing written reasons shall not be provided unless they are requested by a party within 14 days of the sending of this Judgment to the parties.

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The ET has no power to refuse to place a judgment or reasons on the online register, or to remove a judgment or reasons from the register once they have been placed there. If you consider that these documents should be anonymised in anyway prior to publication, you will need to apply to the ET for an order to that effect under Rule 50 of the ET's Rules of Procedure. Such an application would need to be copied to all other parties for comment and it would be carefully scrutinised by a judge (where appropriate, with panel members) before deciding whether (and to what extent) anonymity should be granted to a party or a witness