EMPLOYMENT TRIBUNALS

Claimant: Mr L Ali

Respondent: Matalan Retail Limited

Heard at: **Manchester** **On: 10,11,12 and 13 December 2019**

Before: **Employment Judge Leach, Mrs SA Humphries, Mr AJ Gill.**

Representation
Claimant: In person
Respondent: Miss Joanne Connolly (counsel)

JUDGMENT

1. The claimant was unfairly dismissed
2. The unfairness made no difference to the outcome complained of, being the claimant's dismissal. Applying s123(1) of the Employment Rights Act 1996 ("ERA") it is just and equitable to make no compensatory award.
3. The dismissal was caused or contributed to by the claimant and it is just and equitable to:-
    a. reduce the compensatory award by 100% (under s 123(6) of the ERA)
    b. reduce the basic award by 100% (under s122(2) of the ERA)
4. At all relevant times the claimant had a disability under s6(1) of the Equality Act 2010.
5. The respondent did not fail to comply with its duty to make reasonable adjustments contrary to sections 20 and 21 of the Equality Act 2010 ("EqA")
6. The respondent did not treat the claimant less favourably because of the claimant's race. Therefore the claimant's claim of direct discrimination contrary to s13 of the EqA is dismissed.
7. The claim of victimisation (contrary to section 27 of the EqA) is withdrawn by the claimant and is dismissed on that withdrawal.

Employment Judge Leach

Date 16 December 2019

JUDGMENT SENT TO THE PARTIES ON

9 January 2020

FOR THE TRIBUNAL OFFICE

<u>Notes</u>
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.

<u>Public access to employment tribunal decisions</u>
Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.