



## EMPLOYMENT TRIBUNALS

BETWEEN

**Claimant**  
Mr J Korpan

and

**Respondent**  
Magnox Limited

**Remedy Hearing**  
**held at Reading on** 19 March 2020

**Representation**  
**Claimant:** Mr J Boyd, counsel  
**Respondent:** Ms A Niaz-Dickinson, counsel

**Employment Judge** Vowles (sitting alone)

## REMEDY JUDGMENT

### Evidence

1. The Tribunal heard evidence on oath and read documents provided by the parties. From the evidence heard and read the Tribunal determined as follows.

### Order for Reinstatement – section 114 Employment Rights Act 1996

2. The Claimant shall be reinstated. The Respondent shall treat the Claimant in all respects as if he had not been dismissed (s.114(1)).
3. It is ordered as follows:
  - 1) The date by which the Claimant shall be reinstated is **30 June 2020** (s.114(2)(c)).
  - 2) The parties shall liaise to agree any amount payable by the Respondent in respect of any benefit which the Claimant might reasonably be expected to have had but for the dismissal (including arrears of pay) for the period between the date of termination of employment and the date of reinstatement (s.114(2)(a)).

- 3) The parties shall liaise to agree any rights and privileges (including seniority and pension rights) which must be restored to the employee (s.114(2)(b)).
- 4) If the Claimant would have benefited from an improvement in his terms and conditions of employment had he not been dismissed, he shall be treated as if he had benefited from that improvement from the date on which he would have done so but for being dismissed (s.114(3)).
- 5) In calculating, for the purposes of paragraph 3.2) above, any amount payable by the employer, account shall be taken, so as to reduce the Respondent's liability, any sums received by the Claimant in respect of the period between the date of termination of employment and the date of reinstatement by way of –
  - a. Wages in lieu of notice or ex gratia payments paid by the Respondent (s.114(4)(a)), or
  - b. Remuneration paid in respect of employment with another employer (s.114(4)(b)), and
  - c. Such other benefits as are appropriate in the circumstances.
- 6) No later than **28 July 2020** the parties shall send to the Tribunal an agreed schedule containing the information referred to in paragraphs 3.2) to 3.5) above with a view to an order being made by consent.

#### **Further Remedy Hearing**

4. With the agreement of the parties, the case is listed for a further 1 day Remedy Hearing, if required, before an Employment Judge on **13 November 2020** commencing at 10.00am at the **Employment Tribunals, 30-31 Friar Street (Entrance in Merchants Place), Reading RG1 1DX**.
5. The purpose of the Remedy Hearing is to consider;
  - 1.1 Any matter referred to in paragraphs 3.2) to 3.5) above on which there is a dispute between the parties, and
  - 1.2 Any matter regarding enforcement of the order and compensation arising under section 117 of the Act, and
  - 1.3 Any outstanding application by either party.
6. The parties shall inform the Tribunal as soon as possible if they consider that this further Remedy Hearing is no longer required. Otherwise, no postponement of the hearing will be granted unless there are exceptional and unforeseen circumstances.

**Reasons – rule 62 of Schedule 1 to the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013**

7. Reasons for this judgment were given orally at the hearing. Written reasons will not be provided unless a written request is presented within 14 days of the date this judgment is sent to the parties.

**Public Access to Employment Tribunal Judgments**

8. The parties are informed that all judgments and reasons for judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the Claimant and the Respondent.

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Employment Judge Vowles

20 March 2020

Sent to the parties on:

20 April 2020

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For the Tribunals Office