



EMPLOYMENT TRIBUNALS

Claimants

Respondent

(1) Mr C Stevens

V

Assima UK Limited

(2) Mr A Coates

Heard at: London Central by cloud video platform

On: 1 July 2020

Before: Employment Judge Joffe

Representation

For the claimants: Mr T Perry, counsel

For the respondent: Mr K Gilbank, director

REMEDIES JUDGMENT

1. For unfair dismissal:

1.1 the first claimant is awarded £79,640.63 (basic award of £14,175 and compensatory award of £65,465.43).

1.1.1 This compensatory award is made up as follows:

1.1.2 Loss of salary and benefits to date of hearing: £87,231

- 1.1.3 Loss of employer pension contributions and salary sacrifice sums to date of hearing: £14,436.20
- 1.1.4 Future loss of salary and benefits to 28 February 2021: £52,640
- 1.1.5 Future loss of employer pension contributions and salary sacrifice sums to 28 February 2021: £8711.50
- 1.1.6 Loss of statutory rights: £350
- 1.1.7 Less ex gratia payment: - £13,716
- 1.1.8 To that total net loss, a 70% *Polkey* deduction was applied in accordance with the liability judgment, but 70% of a statutory redundancy payment was added back (£9601.20)
- 1.1.9 The resultant net total of £54,497.01 was grossed up for tax (£14,609 tax free, £37,499 grossed up for tax at 20% and £2389.01 grossed up for tax at 40%)
- 1.2 The second claimant is awarded £100,356.50 (basic award of £13,912.50 and compensatory award of £86,444).
 - 1.2.1 The compensatory award is made up as follows:
 - 1.2.2 Loss of salary and benefits to date of hearing: £65,646
 - 1.2.3 Loss of employer pension contributions and salary sacrifice sums to date of hearing: £17,145
 - 1.2.4 Future loss of salary and benefits to 31 May 2021: £70,023
 - 1.2.5 Future loss of employer pension contributions and salary sacrifice sums to 31 May 2021: £18,288
 - 1.2.6 Loss of statutory rights: £350
 - 1.2.7 Less sums earned / to be earned April 2020 – December 2020: - £7200
 - 1.2.8 To that total net loss, a 50% *Polkey* deduction was applied in accordance with the liability judgment
 - 1.2.9 The resultant net total of £82,126 was grossed up for tax (£28,587.50 tax free, £37,499 grossed up for tax at 20% and £16,039.50 grossed up for tax at 40%)
 - 1.2.10 Statutory cap applicable at the date of dismissal applied to total award of £102,193.75.
2. For unlawful deductions from wages, the second claimant is awarded £35,648, gross, with the respondent to deduct and pay to HMRC tax and National Insurance at the appropriate rate.
3. The respondent is ordered to pay the claimant's costs in the following sums
 - 3.1 To the first claimant: £7966.42
 - 3.2 To the second claimant: £8506.69
4. The claimants' applications for costs are otherwise dismissed.

NOTE

1. The hearing was a remote public hearing, conducted using the cloud video platform (CVP) under rule 46. The parties agreed to the hearing being conducted in this way.
2. In accordance with Rule 46, the tribunal ensured that members of the public could attend and observe the hearing. This was done via a notice published on Courtserve.net. No members of the public attended.
3. The parties were able to hear what the tribunal heard and see the witnesses as seen by the tribunal. From a technical perspective, there were some short-lived connectivity issues solved by counsel and the Judge reconnecting when the issues arose.
4. No requests were made by any members of the public to inspect any witness statements or for any other written materials before the tribunal.
5. The participants were told that it was an offence to record the proceedings.
6. Evidence was heard from the first and second claimants.
7. The tribunal ensured that each of the witnesses, who were all in different locations, had access to the relevant written materials which were unmarked. I was satisfied that none of the witnesses was being coached or assisted by any unseen third party while giving their evidence.

Employment Judge Joffe
London Central Region- 02/07/20

Sent to the parties on:
08/07/20.

For the Tribunals Office