



EMPLOYMENT TRIBUNALS

Claimants: Mr E Critchley

Respondent: Christopher Bennett t/a Christopher Bennett Hairdressing

Heard at: Liverpool **On:** 20 October 2020

Before: Employment Judge Horne

Members: Mr W Partington

Mr T D Wilson

Representatives

For the claimant: In person

For the respondent: Mr P Maratos, consultant

JUDGMENT

1. The equal pay complaint does not succeed. The sex equality clause in the claimant's contract had no effect in relation to a difference between the claimant's terms and those of his comparator, because the respondent has proved that the difference was because of a material factor, reliance on which did not involve treating the claimant less favourably because of his sex than the respondent treated his comparator.
2. The respondent made an unlawful deduction from the claimant's wages and is ordered to pay the claimant the gross sum of £77.50.
3. The respondent made an unlawful deduction from the claimant's holiday pay and is ordered to pay the claimant the gross sum of £68.76.

Employment Judge Horne
20 October 2020

SENT TO THE PARTIES ON

5 November 2020

FOR THE TRIBUNAL OFFICE

Notes:

1. The hearing code "V" in the heading to this judgment indicates that the hearing took place on a remote video platform. Neither party objected to the format of the hearing.
2. Reasons for paragraph 1 of the judgment were provided orally at the hearing. Written reasons will not be provided unless a party makes a request in writing within 14 days of the date when the judgment is sent to the parties. If written reasons are provided, they will be entered into the tribunal's online register of judgments, which is visible to internet searches.
3. Paragraph 2 of the judgment was made by consent.
4. The claimant contended that the calculation in paragraph 3 should have been based on his terms as varied by the equality clause. That contention was unsuccessful in the light of the judgment at paragraph 1. In all other respects, paragraph 3 was made by consent.



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: 2413639/19

Mr E Critchley v Christopher Bennett t/a Christopher Bennett Hairdressing

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 5 November 2020

"the calculation day" is: 6 November 2020

"the stipulated rate of interest" is: **8%**

MR S ARTINGSTALL
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at

www.gov.uk/government/collections/employment-tribunal-forms

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.