



## EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Cawley

**Respondent:** T J Morris Limited (t/a Home Bargains)

**Heard at:** Cardiff (CVP) **On:** 6 April 2021

**Before:** Employment Judge R Evans

### **Representation**

**Claimant:** In person

**Respondent:** Mr B Williams, Counsel

## JUDGMENT

1. The Claimant's complaint of unfair dismissal is well founded and succeeds.
2. The Claimant's claim for personal injuries is not well-founded and are dismissed.
3. The Claimant's claim for re-instatement and re-engagement is not well founded and is dismissed.
4. There is:
  - a. a deduction of 75% to the basic award pursuant to *section 122(2) Employment Rights Act (ERA) 1996*;
  - b. a 75% deduction pursuant to *Polkey v. AE Dayton Services Ltd [1987] UKHL 8*;
  - c. an uplift of 15% for the failure to adhere to *section 207A of the Trade Union & Labour Relations (Consolidation) Act 1992*; and
  - d. a deduction of 75% to the compensatory award pursuant to *section 123(6) ERA 1996*.
5. This judgment was made and took effect on 6 April 2021.

6. The case is adjourned to the **first open date after 3 May 2021** to determine any outstanding matters relating to remedy (t/e three hours). The case shall be listed before Employment Judge R Evans and shall be effective via Cloud Video Platform.
7. The Claimant and the Respondent's Counsel shall send their dates of non-availability to the Tribunal by 13 April 2021.

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**Signed by Employment Judge R Evans**

**6 April 2021**

JUDGMENT SENT TO THE PARTIES ON

12 April 2021

FOR THE TRIBUNAL OFFICE

Notes

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.

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