



THE EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr L Garcia

v

Bellus Print Limited

Heard at: London Central

On: 5 March 2021

Before: Employment Judge Glennie

Representation:

Claimant: In person

Respondent: Neither present nor represented

JUDGMENT

1. Compensation for discrimination because of age and sex is assessed as follows:
 - 1.1 Loss of earnings £2,758.00
 - 1.2 Injury to feelings £6,000.00
 - 1.3 Interest on loss of earnings £78.05
 - 1.4 Interest on injury to feelings £679.80
2. The total sum payable by the Respondent to the Claimant is £9,515.85

REASONS

1. By his claim to the Tribunal the Claimant, Mr Garcia, made complaints of direct discrimination because of age and sex. The Respondents did not present a response and the Tribunal gave a judgment in Mr Garcia's favour on liability under rule 21. This hearing was to determine the issues as to remedies.
2. With the agreement of Mr Garcia, the hearing was held by video (CVP). The Respondents did not attend or seek to take part in the hearing.

3. Mr Garcia gave oral evidence in support of his claim and relied on a witness statement, which mainly set out details of other cases with regard to awards for injury to feelings. He confirmed the contents of that as being true, and answered questions from me. I accepted the evidence that he gave.
4. The claim concerns a job advert placed by the Respondents in November 2019, and seen by Mr Garcia, for a position as a trainee broker. Mr Garcia, who is a man and was at the time 55 years of age, noticed the following about the advert:
 - 4.1 It stated that the vacancy was for a “female trainee broker (16-21 years old only).
 - 4.2 The skills and attributes sought included “youthful exuberance”.
 - 4.3 It stated that the successful candidate would be working with an “energetic fun team.”
5. Mr Garcia told me that he applied for the job but received no acknowledgement or reply from the Respondent. He said that he felt upset and humiliated on age and gender grounds. He felt insulted by the suggestion that exuberance was only to be found in younger people. When I asked him, he said that he did not know whether, all things being equal, he would have got the job. He believed that it was possible, as he works as a market researcher and adviser. He thought that the chances might have been 50%
6. Mr Garcia put his claim for financial losses on the basis that he would have worked in the role for 6 months. Assuming 37.5 hours per week at a wage of £8.21, this produced a figure of £8,004. After deduction of the sums that he has earned over the relevant 6 months, there remains £5,517. I found Mr Garcia’s approach of limiting the claim to 6 months, and allowing for a 50% chance of getting the job to be reasonable. I therefore divided £5,517 by half, giving £2,758.
7. I found that the award for injury to feelings should reflect the lower **Vento** band. This was essentially a single event, although it involved discrimination in relation to two protected characteristics and left Mr Garcia feeling humiliated. I assessed compensation for injury to feelings at £6,000.
8. I assessed interest on the award for loss of earnings at 8% from the mid point between November 2019 and the hearing, being £78.05 (£2758 x 5.66%) and on the award for injury to feelings at £679.80 at 8% from November 2019 to the date of the hearing, being £679.80 (£6,000 x 11.33%).
9. The total sum payable to Mr Garcia is therefore calculated as follows:
 $2,758 + 6,000 + 78.05 + 679.80 = £9,515.85$

Employment Judge Glennie

Employment Judge Glennie

Dated:12 May 2021.....

Judgment sent to the parties on:

12/05/2021..

For the Tribunal Office