



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr KS Maru

**Respondent:** Debenhams Retail Ltd (in administration)

**On:** 5 and 6 July 2021

**Before:** Employment Judge Ahmed

**Members:** Ms B Tidd  
Mr M Alibhai

## Representation

**Claimant:** In person

**Respondent:** No appearance or representation

## JUDGMENT

1. The Claimant was unfairly dismissed.
2. The effective date of termination for the purposes of calculating the basic award is 27 July 2019.
3. The Respondent is ordered to pay compensation for unfair dismissal of £18,917.52 (net) in accordance with Schedule 1 below.
4. The complaints of direct discrimination and harassment by reason of sexual orientation were presented out of time but it is just and equitable to extend time to allow those complaints to proceed.
5. The Claimant was directly discriminated against and unlawfully harassed by reason of the protected characteristic of sexual orientation in relation to the allegations set out at paragraphs 1.1 – 1.4 inclusive of the Order of 6 February 2020. The remaining complaint at paragraph 1.5 is dismissed.
6. The Respondent is ordered to pay Claimant compensation and damages for discrimination and harassment plus interest thereon of £8,293.00 (net) in accordance with Schedule 2 below.
7. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations apply:

- 7.1 The monetary award is £18,917.52
- 7.2 The amount of the prescribed element is £9,992.00
- 7.3 The period to which the prescribed element is attributable is 25 July 2019 to 25 July 2020
- 7.4 The amount by which the monetary award exceeds the prescribed element is £8,925.52

**Schedule 1- compensation for unfair dismissal**

(a) Basic award.....	£2,921.52
(b) Compensatory award	
Loss of commission.....	£5,000.00
Loss of pension.....	£504.00
Loss of statutory rights.....	£500.00
Loss of earnings .....	£9,992.00
Total compensatory award.....	£15,996.00
Total award for unfair dismissal .....	£18,917.52

**Schedule 2 – compensation and damages for discrimination and harassment**

Award for injury to feelings.....	£7,000.00
Interest on £7000.00 at 8% per annum = £560 pa.	
Daily rate of interest = £1.53	
Total number of days for which interest is applicable – 845 days (from 14.3.2019 to 6.7.2021)	
845 x £1.53 = £1,293.00	
Total interest .....	£1,293.00
Total award for discrimination and harassment.....	£8,293.00

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Employment Judge Ahmed

Date: 6 July 2021

JUDGMENT SENT TO THE PARTIES ON

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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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