



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Gregg Smith  
**Respondent:** SUK Retail Ltd (in administration)  
**On:** 19 and 20 July 2021  
**Before:** Employment Judge Ahmed (sitting alone)  
**Members:** Ms JM Morrish  
Ms K McLeod

## Representation

**Claimant:** Mr Swanson (Consultant, Community Law Consultants)  
**Respondent:** No appearance or representation

## JUDGMENT

1. The Claimant was unfairly dismissed.
2. The Respondent is ordered to pay to the Claimant compensation for unfair dismissal of £7,624.28 in accordance with Schedule 1 below.
3. The complaint of direct disability discrimination is dismissed.
4. It is hereby ordered that the deposit of £100.00 paid by the Claimant on 24 September 2018 under reference 5888 is to be repaid to the Claimant.
5. The complaints of race and disability discrimination were in part presented out of time but it is just and equitable to extend time to allow those complaints to proceed.
6. The Claimant was directly discriminated against by reason of the protected characteristic of race in relation to the allegation of dismissal. The Respondent is ordered to pay to the Claimant compensation and damages for injury to feelings (plus interest) of £6,827.93 in accordance with Schedule 2 below.
7. The application for compensation and damages for personal injury and future loss of earnings is refused.

8. The complaints of harassment based on the protected characteristics of race and disability are dismissed.
9. The complaint of victimisation is dismissed.
10. The complaint of indirect disability discrimination is dismissed upon withdrawal.
11. The Claimant was dismissed without proper notice and in breach of contract. The Respondent is ordered to pay to the Claimant damages for breach of contract for failure to give notice of £3,313.28 (net).
12. The Respondent is ordered to pay to the Claimant £1,408.11 (net) in respect of unpaid holiday pay.
13. The complaint of an unlawful deduction of wages is dismissed.
14. The complaint of detriment by reason of having made a protected disclosure is dismissed.
15. The Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations do not apply.

**Schedule 1- compensation for unfair dismissal**

(a) Basic award.....£3,832.00

(b) Compensatory award

Loss of earnings (8 weeks at £414.16)..... £3,313.28

Loss of statutory rights..... £479.00

(no award for loss of benefit of car)

Total compensatory award.....£3,792.28

Total award for unfair dismissal .....£7,624.28

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

Award for injury to feelings.....£5,000.00

Interest on £5000.00 at 8% per annum = £400.00 pa.

Daily rate of interest = £1.09

Total number of days for which interest is applicable – 1677 days

(from 15.12.2016 to 20.7.2021)

1677 x £1.09 = £1,827.93

Total interest .....£1,827.93

Total award for discrimination and harassment.....£6,827.93

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Employment Judge Ahmed

Date: 20 July 2021

JUDGMENT SENT TO THE PARTIES ON

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FOR THE TRIBUNAL OFFICE

***Covid-19 statement: This was a remote hearing which was not objected to by the parties. The form of remote hearing was by video (CVP). It was not practicable to hold a face-to-face hearing because of the Covid-19 pandemic.***

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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