



EMPLOYMENT TRIBUNALS (SCOTLAND)

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Case Number: 4110828/2019

Final hearing held remotely by video on 9 and 10 August 2021

Employment Judge M Whitcombe

Tribunal Member Mrs L Millar

Tribunal Member Mrs C Russell

Jamie Barr

**Claimant
Represented by:
Mr P Santoni
(Solicitor)**

Paisley Despatch Limited

**First Respondent
No appearance
or representation**

Alexander McAulay Keddie

**Second Respondent
No appearance
or representation**

JUDGMENT

The unanimous judgment of the Tribunal is as follows.

(1) The claimant was a disabled person for the purposes of section 6 of the Equality Act 2010.

(2) Both of the respondents had both actual and constructive knowledge of that disability for the purposes of the claim below.

(3) The first respondent discriminated against the claimant for a reason arising from disability contrary to section 15 of the Equality Act 2010. The second respondent is also liable for that act of discrimination under section 10 of the same Act. The respondents are jointly and severally liable for compensation for that act of discrimination.

(4) The claimant was unfairly dismissed by the first respondent.

(5) The first respondent unreasonably failed to follow the requirements of the ACAS Code of Practice on Disciplinary and Grievance Procedures. It would be just and equitable for there

to be an increase in compensation of 15% in compensation payable by the first respondent. This does not apply to the second respondent.

(6) The first respondent dismissed the claimant wrongfully, without notice and in breach of contract. The first respondent is ordered to pay 3 weeks' net pay to the claimant as damages for breach of contract, totalling £1,084.11, increased by 15% to £1,246.73.

(7) The first respondent is ordered to pay compensation to the claimant for unfair dismissal assessed as follows.

- a. A basic award of £1,269.12 (3 weeks' gross pay), increased by 15% to £1,459.49.
- b. A compensatory award of £500 for loss of statutory rights, increased by 15% to £575.
- c. The total compensation for unfair dismissal is therefore £2,034.49.

(8) The respondents are jointly and severally liable for compensation for the unlawful discrimination identified above, assessed as follows:

- a. Compensation for injury to feelings of £7,500, plus interest of £1,264.11 totalling £8,764.11.
- b. Financial loss totalling £5,644.21 plus interest of £764.52 totalling £6,408.73.
- c. The total compensation for unlawful discrimination is therefore £15,172.84.

(9) The first respondent (only) is also ordered to pay to the claimant a 15% increase in compensation for discrimination for failure to follow the ACAS Code of Practice such that the total as against that respondent becomes £17,448.76.

(10) The Tribunal makes orders for expenses in the claimant's favour as follows;

- a. against the first respondent in the sum of £457.26;
- b. against the second respondent in the sum of £801.14.

(11) Oral reasons were given during the hearing.

Employment Judge: Mark Whitcombe
Date of Judgment: 10 August 2021
Entered in register: 10 August 2021
and copied to parties