



EMPLOYMENT TRIBUNALS

Claimant: Mr Javier Sanchez Ortiz

Respondent: Mitie Limited

Heard at: London South Employment Tribunal (by CVP)
On: 24-27 January 2022

Before: Employment Judge Abbott, Mrs G Mitchell and Mr J Bendall

Representation

Claimant: Mr Finnian Clarke of United Voices of the World

Respondent: Mr Steven Gittins, barrister, instructed by Dentons UK and Middle East LLP

JUDGMENT

The unanimous decision of the Tribunal is that:

1. The claimant was unfairly dismissed for a reason falling within the scope of section 152(1)(ba) of the Trade Union and Labour Relations (Consolidation) Act 1992.
2. The respondent subjected the claimant to detriments on grounds related to union membership or activities (section 146(1)(ba) of the Trade Union and Labour Relations (Consolidation) Act 1992).
3. The respondent acted in breach of contract by dismissing the claimant without notice.
4. The respondent failed to comply with section 10(4) of the Employment Relations Act 1999.
5. The respondent shall pay compensation to the claimant of £37,915.31, made up as follows:
 - a. A basic award for unfair dismissal of £6,203.00;
 - b. A compensatory award for unfair dismissal of £11,314.61;
 - c. Compensation for injury to feelings resulting from detriments on grounds related to union membership or activities of £10,000.00;
 - d. Compensation for breach of contract of £2,227.12;

- e. An uplift of 25% on the above figures pursuant to section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 amounting to £7,436.18; and
- f. An award under section 11 of the Employment Relations Act 1999 of £734.40.

Employment Judge Abbott

Date: 27 January 2022

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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