



EMPLOYMENT TRIBUNALS

Claimant: Mr C West

Respondent: Tesco Stores Limited

HELD AT: Middlesbrough

ON: 16 December 2021

BEFORE: Employment Judge Aspden
Mrs C Hunter
Mr J Weatherston

REPRESENTATION:

Claimant: Mr P Hargreaves, solicitor

Respondents: Mr P Morgan, counsel

CORRECTED JUDGMENT

Under the provisions of Rule 69, the judgment sent to the parties on 31 December 2021 is corrected as set out in bold type below

The unanimous judgment of the Tribunal is that the Respondent is ordered to pay to the Claimant the sum of **£52839.85**, comprising:

1. Compensation for unfair dismissal consisting of a basic award only: £5,636.01.
2. Compensation of **£41,565.12** in respect of the Respondent's contraventions of Part V of the Equality Act 2010, made up as follows:
 - a. compensation for financial loss: £13,737.60;
 - b. compensation for loss of statutory rights: £400.00;
 - c. compensation for injured feelings: £20,500.00.
 - d. **an additional award of £6,927.52 pursuant to section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 in respect of the respondent's unreasonable failure to comply with**

the ACAS Code of Practice on Disciplinary and Grievance Procedures.

3. Interest on the award under the Equality Act of £5,638.72, awarded under regulation 2 of the Employment Tribunals (Interest on Awards etc) Regulations 1996, calculated as follows:
 - a. Interest on injury to feelings award agreed at £4,223.56.
 - b. Interest on compensation for lost earnings agreed at £1,415.16.
4. The recoupment regulations do not apply to the awards.
5. The parties should try to agree whether any additional compensation should be awarded to the claimant to reflect the Gourley principle. If they cannot agree, they must send their written submissions on the matter to the Tribunal by 31 January 2022.

Employment Judge Aspden

Date 25 February 2022

Note

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.