



EMPLOYMENT TRIBUNALS

Claimants: Mr M Saunders

Respondent: Exclusive Fireplaces and Stoves Ltd

Heard at: Reading by CVP **On: 19 April 2022**

Before: Employment Judge Reindorf (sitting alone)

Representation

Claimant: Mr J Heard (counsel)

Respondent: No appearance or representation

JUDGMENT ON LIABILITY AND REMEDY

1. The Response having been struck out on 14 April 2022, the judgment of the Tribunal is that it can properly determine the claim as to both liability and remedy in the absence of the Respondent pursuant to Rule 21(2) of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 Sch 1 (as amended).
2. The judgment of the Tribunal as to liability is that:
 - 2.1. The complaint of failure to make reasonable adjustments contrary to s.21 of the Equality Act 2010 succeeds.
 - 2.2. The complaint of discrimination arising from disability contrary to s.15 of the Equality Act 2010 succeeds.
 - 2.3. The complaint of direct disability discrimination contrary to s.13 of the Equality Act 2010 succeeds.

- 2.4. The complaint of unfair dismissal contrary to s.94 of the Employment Rights Act 1996 succeeds.
3. The judgment of the Tribunal as to remedy is that the Respondent is ordered to pay to the Claimant forthwith the sum of **£127,418.06** calculated as follows:
 - 3.1. In compensation for disability discrimination:
 - a. For financial losses: £69,794.90
 - b. Uplift for failure to follow the ACAS Code of Practice @ 15%: £17,448.25
 - c. For injury to feelings: £15,000
 - d. Subtotal: £102,243.15
 - e. Grossing up: £22,290.29
 - f. Total including grossing up: £124,533.44
 - 3.2. In compensation for unfair dismissal, a basic award of £2,884.62
4. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply to this award.
5. Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

**Employment Judge Reindorf
Date 21 April 2022**

Sent to the parties on:

28/4/2022

For the Tribunal:

N Gotecha

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