



EMPLOYMENT TRIBUNALS

Claimant: Ms T Reid
Respondent: Maple Windows Company Ltd (in liquidation)
Heard at: East London Hearing Centre
On: 10 June 2022
Before: Employment Judge B Elgot

Representation

Claimant: In person
Respondent: No response has been entered. Did not appear and was not represented. The liquidator did not appear and was not represented

JUDGMENT

1. The claim of disability discrimination SUCCEEDS.
2. The Claimant is entitled to remedy for disability discrimination as follows:

Loss of earnings /financial loss for the period from 28 September 2020 (when she informed the Respondent that she was fit to return to work) until 10 January 2022 when she obtained new employment at a higher wage
66 weeks x net weekly wage £359.50 = **£ 23, 727.00**

Injury to feelings

The Claimant is entitled to an award for injury to feelings in the sum of **£ 17 500.00**

3. Interest on the award for injury to feelings calculated at 8% per annum and in accordance with the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996, as amended, is awarded for the period from the date of contravention/act of discrimination complained of which is 28 September 2020 until today's date 10 June 2022. The amount is **£2378.08**.

4. Interest on the award for financial loss calculated at 8% simple interest per annum and in accordance with the 1996 Regulations is awarded from the mid-point date which is 4 August 2021 until today's date 10 June 2022. The amount is **£1612.14**
The claim for unlawful deductions from wages also SUCCEEDS.
5. The Claimant was entitled to be paid wages at the rate of £359.50 net per week for the period from 28 September 2020 when she became available for work until she began her new employment on 10 January 2022. She was not paid for any part of that period of time which is 66 weeks in total.
6. However she has already been awarded these financial losses (plus interest) as part of her remedy for disability discrimination as set out above.
7. For the purposes of any claim to the Insolvency Service the Claimant should be treated as having unpaid wages of £ 23,270 representing 66 weeks' pay.
8. A default judgment under Rule 21 Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 has already been made on 7 March 2022 in respect of the Respondent's failure to pay accrued holiday pay. The remedy to which the Claimant is entitled is as follows :-

67 days' accrued and unpaid holiday pay for the period 29 May 2019 until 10 January 2022 at a net daily rate of pay of £71.90 =£ **4817.30**.
9. The grand total payable by the Respondent to the Claimant within 21 days is **£50.034.52** (23,727 + 17,500 + 2378.08 + 1612.14 + 4817.30)

Employment Judge B Elgot
Date: 14 June 2022