



EMPLOYMENT TRIBUNALS

Claimant: Mr Danny Gale
Respondent: Sterling Extensive Services Ltd
Heard at: East London Hearing Centre
On: 10 June 2022
Before: Employment Judge Sugarman

Representation

Claimant: In person
Respondent: Did not attend

JUDGMENT

Liability

1. The Claimant's complaint that he was unlawfully harassed for reasons related to disability, contrary to section 26 of the Equality Act 2010, succeeds.
2. The Claimant's complaint that he was directly discriminated against because of his disability contrary to section 13 of the Equality Act 2010 fails and is dismissed.
3. The Claimant's complaint of victimisation contrary to section 27 Equality Act 2010 is dismissed upon withdrawal.
4. The Complaint's complaint of unfair dismissal under s111 of the Employment Rights Act 1996 succeeds.
5. The Claimant's complaint in respect of accrued but untaken holiday on termination under Regulations 14 and 30 of the Working Time Regulations 1998 succeeds.

Remedy

1. The Respondent is ordered to pay to the Claimant the total sum of £24,837.42 made up of:

Unlawful Discrimination

- a. £12,500 for injury to feelings ;
- b. £1,650 interest on injury to feelings;

- c. £2,736.35 for loss of earnings during employment caused by unlawful harassment;
- d. £1,340.04 for past loss of earnings caused by the discriminatory dismissal;
- e. £326.11 interest on past financial losses;
- f. £1,855 pursuant to s207A of the Trade Union and Labour Relations (Consolidation) Act 1992, representing a 10% uplift on the discrimination award;

Unfair Dismissal

- g. £1095.18 as a basic award for unfair dismissal;
- h. £450 loss of statutory rights;

S38 Employment Act 2002

- i. £1,460.24, representing 4 weeks pay, pursuant to section 38 of the Employment Act 2002 for failure to provide a statement of terms and conditions of employment;

Holiday Pay

- j. £1,424.50 in respect of accrued but untaken holiday at the date of termination.

- 2. For the avoidance of doubt, the recoupment provisions do not apply to this award.

**Employment Judge Sugarman
Dated: 10 June 2022**