



EMPLOYMENT TRIBUNALS

Claimant: Mr Martyn Diamond Black

Respondent: Alain Charles Publishing Ltd

Heard at: London Central (via CVP)

On: 8th July 2022

Before: Employment Judge David Hughes
Mr Philip Madelin
Mr Samuel Pearlman

Representation

Claimant: Debbie Grennan (counsel)

Respondent: Kashif Ali (counsel)

JUDGMENT

1. The Defendant is ordered to pay the Claimant compensation to be calculated on the following basis:

- (a) Compensation for wrongful dismissal in the sum of £2,345.16;
- (b) Basic award £1,614;
- (c) £1,000 in respect of loss of statutory rights;
- (d) Past lost earnings £47,624.72;
- (e) Past lost commission £850;
- (f) Business expenses £4,200;
- (g) Future lost earnings £14,070.74;
- (h) Future lost commission £300;
- (i) Future lost pension £540.72;
- (j) Compensation for injury to feelings in the sum of £22,000;

Sub-total £101,627.93

Less jobseekers' allowance £2,166.30

Total £99,461.63.

2. The Tribunal awards compensation for the Claimant's financial losses above as damages for his claim for victimisation pursuant to 47B(1) of the Employment Rights Act 1996;
3. The Claimant is awarded interest pursuant to Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996, Regulation 6, agreed by the parties in the following sums:
 - (a) £3,764.21 for interest on financial losses, and;
 - (b) £3,105.32 for interest on compensation for injury to feelings.
4. The Respondent unreasonably failed to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures and the Tribunal orders that the relevant parts of the Claimant's award be subject to an uplift of 22% pursuant to s207A(2) of the Trade Union and Labour Relations (Consolidation) Act 1992. The uplift is agreed by the parties to amount to £21,881.55, producing a total of £121,343.19, before the Basic Award.
5. The sum to be awarded shall be grossed up as follows, the calculations having been agreed by the parties:

Total Compensatory Award: £121,343.19

Basic Award: £1,614.00

Total Award: £122,957.19

First 30,000.00 tax free.

Total sum taxable: £92,957.19

Personal Allowance entitlement: £12,570.00

20% Tax applicable to first £37,700.00

40% applicable on the remainder

Less claimant's taxable income for 22/23:

Pension Income £10,515.00

0% tax rate on 2055.00 :	£0.00
20% tax on £37,700:	£9425.00
40% tax rate on £53,202.19	£35,534.79
Total sum to be added for Grossing up:	£44,959.79

6. The total sum that the Respondent is ordered to pay the Claimant is therefore £167,942.98.

David Hughes
Employment Judge

Date 22.08.2022

JUDGMENT SENT TO THE PARTIES ON

23/08/2022

FOR THE TRIBUNAL OFFICE

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.