



EMPLOYMENT TRIBUNALS

Claimant: Mr R Spycher

Respondent: Mitie Ltd

Held at: London South Employment Tribunal **On:** 30 August 2022

Before: Employment Judge Barker
Ms S Lansley
Ms N O'Hare

Representation:

Claimant: Ms Sullivan, solicitor

Respondent: Mr Rozycki, counsel

JUDGMENT

The unanimous judgment of the Tribunal is that the respondent is to pay to the claimant the following sums forthwith:

- a. The claimant is entitled to be paid compensation for discriminatory and unfair dismissal as follows:
 - i. No basic award is made as the claimant was paid a redundancy payment on termination;
 - ii. The claimant was paid in lieu of a 5 week notice period on termination and was paid 5 weeks' net salary plus benefits, including employer's pension contributions;
 - iii. A compensatory award calculated as follows and is not subject to the statutory cap for unfair dismissal compensation, as the dismissal was discriminatory contrary to s15 Equality Act 2010:
 1. Losses from 5 weeks after the date of termination (to take account of the payment in lieu of notice), that is, 5 March

2020, to the date of this remedy hearing (30 August 2022), a period of 909 days at a net daily wage of £62.79, plus pension contributions of 3% of salary and life cover benefits amounting to £88.50 per month, a total of £59,725; and

2. Interest thereon at the rate of 8% from the mid-point of the period of loss to the date of calculation, a period of 454 days, being £5943;
 3. £500 for loss of statutory rights;
 4. Future loss of earnings and benefits from the date of calculation to the date three years from the effective date of termination (28 January 2023), a period of 150 days, which is £9,855.
- e. The claimant is awarded injury to feelings for disability discrimination of £10,000, plus interest of 8% calculated from the date of the discriminatory act (29 January 2020) to the date of calculation, which is 944 days, which interest amounts to £2069, making the total award for injury to feelings £12069. This discrimination arose in connection with the termination of the claimant's employment and this part of the award is therefore taxable.
- f. All of the sums above are taxable where they exceed £30,000 and therefore must be grossed up at the marginal rate of tax of 20%.
- g. The total sum awarded is £88,092, of which £58,092 is taxable. Grossing-up this element of the award results in a sum of £72,615.
- h. The total sum payable to the claimant is therefore £30,000 plus £72,615, which is £102,615.

The Recoupment Regulations do not apply to this judgment and award of compensation.

Employment Judge Barker

30 August 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.

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