



EMPLOYMENT TRIBUNALS

Claimant: Miss S Beasley

Respondent: Hozelock Ltd

Heard at: Birmingham

On: 1 November 2022

Before: Employment Judge Meichen, Mr S Woodall, Mr K Palmer

Appearances

For the claimant: in person

For the respondent: Ms H Ifeka, counsel

REMEDY JUDGMENT

1. Following the Tribunal's liability judgment dated 9 August 2022 in which the Tribunal also made decisions relevant to the claimant's losses the parties were unable to agree the claimant's financial losses. A further hearing therefore took place and the Tribunal further decided as follows:
 - 1.1 The claimant would have been awarded a 2.33% pay rise in 2022.
 - 1.2 The claimant should not be compensated for working an additional hour each week now, or for loss of holiday entitlement.
 - 1.3 The claimant would not have been paid a bonus in 2022.
 - 1.4 The method of calculation for the claimant's bonus in 2023 and 2024 should be based on a coefficient of 107%.
 - 1.5 The ACAS code did not apply to the claimant's dismissal.
2. In light of these decisions the parties agreed that the claimant's financial losses should be compensated as follows. The respondent shall pay the claimant:
 - 2.1 A basic award of £7,263.
 - 2.2 Compensation for lost earnings to date of judgment 05 August 2022 - £2,351.79.
 - 2.3 Loss of Bonus – December 2021 - £3,483.12.
 - 2.4 Loss of Benefits - £718.80
 - 2.5 Pension Loss - £1,859.52

2.6 Loss of Statutory Employment Rights - £500

2.7 Loss of Earnings 6 August 2022 to 5 August 2025 - £16,152.47.

2.8 Loss of Bonus Payment for December 2022, 2023, 2024 - £5,347

2.9 Loss of Benefits to 5 August 2025 - £2,156.40

2.10 Pension Loss to 5 August 2025 - £4,789.44

3. The respondent shall further pay the claimant interest on past financial losses of £573.48 (calculated at 8% on total past losses of £8413.23 from the midpoint between 9 March 2021 and today's date).
4. It was agreed that the redundancy payment received by the claimant (£7263) should be deducted from the compensatory award. This gives a total compensatory award of £30,669.02 (£573.48 + £2,351.79 + £3,483.12 + £718.80 + £1,859.52 + £16,152.47 + £5,347 + £500 + £2,156.40 + £4,789.44 = £37,358.54 - £7,263).
5. The respondent has already paid to the claimant an injury to feelings award of £22,500 plus interest of £2,539.73 = £25039.73. By consent, 75% of the award should be apportioned to pre-termination discrimination and 25% in connection with the termination of employment.
6. The total amount ordered to be paid by the respondent to the claimant is £62971.75. The claimant will have to pay tax on the award as it exceeds £30000. A grossing up calculation has therefore been performed which results in a total of £78952.82. This means that the total outstanding to be paid by the respondent to the claimant is £53913.09 (78952.82 – 25039.73).
7. The respondent acted unreasonably in the way that part of the proceedings were conducted. It is appropriate to make a preparation time order for 5 hours of the claimant's time. This makes a total of £205 (5 x £41). The respondent is ordered to pay the claimant that sum too.

Employment Judge Meichen

21 November 2022