



EMPLOYMENT TRIBUNALS

Claimant: Harvinder Joshi
Respondent: British Telecommunications Plc (BT)
Heard at: East London ET, via CVP
On: 4 May 2023
Before: Employment Judge G. King

Representation

Claimant: Ms A. Fadipe
Respondent: Ms B. Mistry

REMEDY JUDGMENT

1. The Respondent shall pay the Claimant the sum of £45,767.78, which is broken down as set out below.

Basic Award

30 weeks x £544.00

£16,320.00

Compensatory Award

Losses to date of Tribunal Hearing

Loss of basic salary to date of Tribunal
63.8 weeks x £773.82 **£49,369.72**

Loss of statutory rights **£450.00**

Loss of bonus **£4,053.96**

Loss of pension benefit
63.8 weeks x £134.42 **£8,575.75**

Employee salary pension contribution
63.8 weeks x £309.15 **£19,724.00**

Loss of BT benefits (Broadband etc.)
63.8 weeks x £14.71 **£938.49**

Less sums obtained by mitigation
JSA **-£641.44**

Total losses to date of Tribunal: **£82,470.48**

Future Losses

Future loss of earnings **£7,738.20**
10 weeks x £773.82

Future loss of pension **£4,435.70**
10 weeks x £443.57

Future loss of BT benefits **£147.10**
10 weeks x £14.71

Total future losses:

Losses in relation to shares

The Claimant benefited from three share schemes:

1. Save as you earn (Share Save) scheme
2. Direct Save scheme
3. You Shares scheme

Lost Share Save benefit (2018): **£8,121.50**

- The Claimant joined the Respondent's Share Save scheme in 2018.
- This scheme would mature after 5 years
- The Claimant paid £100 a month into this scheme.
- On maturity, the Claimant had the option to purchase 3,529 shares at a price of 170p per share.
- This is a speculative assessment of the loss of value of this benefit since the value of the shares at the end of the saving period cannot be known.
- The current share price as of 12 April 2023 is 156p.
- **No profit loss.**

Lost Share Save benefit (2020):

- The Claimant joined the Respondent's Share Save scheme in 2020.
- This scheme would mature after 5 years
- The Claimant paid £150 a month into this scheme.
- On maturity, the Claimant had the option to purchase 10,975 shares at a price of 82p per share.
- This is a speculative assessment of the loss of value of this benefit since the

value of the shares at the end of the saving period cannot be known.

- The current share price as of 12 April 2023 is 156p.

- The current share price of 156p

less the price the Claimant could purchase the shares at 82p equals a profit for each share of 74p.

- **The lost profit is therefore 74p x 10,975 = £8,121.50**

Loss of DirectSave shares sold to cover Tax and National Insurance liability following dismissal. **£3,365.09**

The Claimant sold 1944 shares at a share price of £1.74.

Net sale proceeds totalled £3,365.09

Loss of You Shares: **£1,001.19**

677 shares forfeited as a result of the Claimant's employment being terminated.

June 2020: 430 shares with a market value of £1.164 per share (as at June 2022) = £500.52

June 2021: 247 shares with a market value of £2.027 per share (as at June 2022) = £500.67

Total losses from shares: **£12,487.78**

Polkey reduction on compensatory award

Polkey – 75%

£82,470.48 + £12,321.00 + £12,487.78 = £107,279.26

£107,279.26 x 75% = £80,459.45

£107,279.26 - £80,459.45 = **£26,819.82**

Compensatory Award Grand Total: **£26,819.82**

Grossing Up Calculation

£30,000.00 (tax free allowance) -

£16,320.00 (basic award) = £13,680.00

£26,819.82 - £13,680.00 = £13,139.82
(which is subject to tax)

Tax rate 20%

£13,139.82 x 20% = £2,627.96

£26,819.82 + £2,627.96 = **£29,447.78**

Total: **£29,447.78**

TOTALS

Unfair dismissal basic award:	£16,320.00	
Compensatory award:	£29,447.78	
TOTAL AWARD:		£45,767.78

Recoupment

a) Grand total		£45,767.78
b) Prescribed element		£12,342.43
c) Prescribed period	From: 12 February 2022	
	To: 4 May 2023	
d) Excess of grand total over prescribed element		£33,425.35

Employment Judge G. King
Dated: 4 May 2023