



EMPLOYMENT TRIBUNALS

Claimant Mr Derek Oldfield
Respondent Pharmhear Ltd (in liquidation)

Heard at: Bristol (remotely by video) **On:** 25 May 2023

Before: Employment Judge Leverton
Mr H Launder
Mr C Williams

Appearances

For the Claimant: Mr Bruce Henry, Counsel

For the Respondent: No appearance or representation

JUDGMENT

1. The claim relating to unpaid pension contributions is dismissed on withdrawal by the Claimant.
2. The Claimant had a disability for the purposes of section 6 of the Equality Act 2010.
3. The following claims succeed:
 - a. discrimination arising from disability under section 15 of the Equality Act 2010;
 - b. unfair dismissal under section 94 of the Employment Rights Act 1996;
 - c. breach of contract in respect of failure to give statutory notice (wrongful dismissal) under Article 3 of the Employment Tribunals Extension of Jurisdiction (England and Wales) Order 1994/1623.
4. The Respondent is ordered to pay the Claimant the following sums:
 - a. basic award for unfair dismissal: **£3,264** (1.5 weeks x 4, capped at £544 per week)
 - b. net damages for failure to give four weeks' statutory notice: **£3,081.52** (4 weeks x net weekly pay of £770.38)

- c. loss of statutory rights: **£400**
- d. loss of earnings and expenses incurred in consequence of discrimination: **£15,465.68** (made up of 6 weeks @ £570 per week; 15 weeks @ £770.38 per week; one week @ £320.38; 4 days' travel expenses @ £42.40 per day)
- e. injury to feelings: **£10,000**
- f. interest on discrimination award: **£1,830.61**

5. Recoupment does not apply to these awards.

6. The interest due to the Claimant (see above) is calculated as follows:

Date of discrimination: 09/02/22

Calculation date: 25/05/23

Number of days: 471

Interest rate: 8%

Pecuniary losses: £15,465.68

Interest: $471 \div 2 \times 0.08 \div 365 \times £15,465.68 = £798.28$

Injury to feelings: £1,830.61

Interest: $471 \times 0.08 \div 365 \times £10,000 = £1,032.33$

Employment Judge Leverton

Date: 30 May 2023

Judgment sent to the Parties: 12 June 2023

FOR THE TRIBUNAL

Note: Reasons for the decision were given orally at the hearing. Written reasons will not be provided unless a written request is presented by any party within 14 days of the sending of this written record of the decision.

The Employment Tribunal is required to maintain a register of all judgments and written reasons. The register must be accessible to the public and is now online. The Tribunal has no power to refuse to place a judgment or reasons on the online register, or to remove a judgment or reasons from the register. If you consider these documents should be anonymised in any way, you will need to apply to the Tribunal for an order under Rule 50 of the Rules of Procedure.