



EMPLOYMENT TRIBUNALS

Claimant: Mr C Page

Respondent: Entain Marketing (UK) Limited
trading as 'Entain Group' (debarred)

Heard at: Watford

On: 12 July 2023

Before: Regional Employment Judge Foxwell

Appearances

For the claimant: No attendance or representation

For the respondent: No attendance or representation

RULE 21 JUDGMENT

1. The name of the respondent is amended to 'Entain Marketing (UK) Limited trading as Entain Group'.
2. The claimant's claim of discrimination because of marriage or civil partnership is dismissed.
3. The claimant was unfairly dismissed.
4. The respondent shall pay compensation for unfair dismissal to the claimant calculated as follows:
 - (i) A basic award of £2,855.
 - (ii) A compensatory award of £1,650.
5. The recoupment provisions apply as follows:
 - a. The monetary award is: £4,505
 - b. The amount of the prescribed element is: £1,650
 - c. The period to which the prescribed element is attributable is 17 May 2022 to 17 June 2022.

REASONS

1. This claim came before Employment Judge Robin Lewis on 26 April 2023 when it was listed for final hearing. Judge Lewis postponed the hearing to today's date for the reasons given in his Case Management Summary sent to the parties on 25 May 2023. Additionally Judge Lewis asked the claimant to clarify his complaint of discrimination and made an order that he file evidence in support of his claim with the Tribunal electronically by 23 June 2023.
2. As on the previous occasion, neither the claimant nor the respondent have attended today's hearing. This was not unexpected in the respondent's case as it has played no part in the proceedings despite being aware of them. As far as the claimant is concerned, he applied on 26 May 2023 for today's hearing to be postponed on the basis that he would be out of the Country on 12 July 2023. On 28 June 2023 an administrative officer wrote to the claimant to say that his application could not be considered as it had not been copied to the respondent.
3. I have had to consider whether it is proportionate to postpone this hearing yet again or whether I can deal with the claimant's claims on the papers before me. Significantly the claimant has not complied with the order to clarify his discrimination claim or submit evidence in support of it. By the same token, I have sufficient evidence to deal with the unfair dismissal claim on the papers. Taking these factors into account I decided that it was proportionate and interests of justice to proceed rather than to postpone this hearing.
4. It follows that my findings are based on the papers submitted, essentially the claimant's claim form (ET1), and not on oral evidence or separate documentary evidence. I have also had regard to the observations of Judge Lewis in his Case Summary.

Identity of the respondent

5. The respondent has been sued as "Entain Group". I was concerned that this may not be a legal entity. The Tribunal received a letter on the headed notepaper of 'Entain' on 10 November 2022 which gave the respondent's company number as 4903940. A company search shows that this is the number of Entain Marketing (UK) Limited. I am satisfied that this is the correct legal identity of the respondent and its name is amended accordingly.

The complaint of discrimination

6. As Judge Lewis observed, the claimant cannot bring a claim of discrimination on grounds of civil partnership or marriage without evidence that he is married or has entered into a civil partnership. The claimant has failed to provide any such evidence despite being given the opportunity to do so and I have therefore dismissed this claim.
7. Judge Lewis mentioned that the claimant might conceivably bring a claim of sexual orientation discrimination if he and his partner were of the same sex. The claimant has provided no evidence to show this.

Unfair dismissal

8. The claimant has set out sufficient facts in his ET1 to ground a claim of unfair dismissal. I am satisfied that he was dismissed on 16 May 2022 and that, having regard to time spent in early conciliation, that this claim was presented within the adjusted three month time limit.
9. The respondent bears the burden of establishing a potentially fair reason for dismissal and it has failed to adduce any evidence of this. I am satisfied therefore that the claimant was unfairly dismissed.

Remedy

10. The claimant was born in 1988 and was employed by the respondent for just over 5 years between 11 February 2017 and 16 May 2022. His gross monthly pay was £2,603 (£600.69 per week) and his net pay was £1,650. The claimant was unemployed for one month following his dismissal after which he found a job in which he earned £1,750 per month. I note that the claimant had already given notice at the time of his dismissal so I infer that this was his net pay in his new role.
11. Based on the above facts I calculate that the claimant is entitled to a basic award for unfair dismissal of £2,855. This represents 5 weeks gross pay, one for each full year of service. The value of a week's pay is capped for this purpose and stood at £571 at the time of the presentation of the claimant's claim.
12. Additionally, I award compensation of £1,650 representing one month's loss of net pay.
13. The total of my awards is £4,505.
14. In the absence of evidence to the contrary, the recoupment provisions apply as set out above.

Regional Employment Judge Foxwell

12 July 2023

Sent to the parties on: 24/8/2023

For the Tribunal: J Moossavi