



# EMPLOYMENT TRIBUNALS

## Claimant

## Respondent

Mrs H Matthews

v

Razors Edge Group Limited (1)

Mr Roberts (Manchester) Limited (2)

**Heard at:** Manchester (by CVP)

**On:** 1 November 2023

**Before:** Employment Judge Johnson

**Members:** Ms A Jackson  
Ms D Kelly

## Appearances

**For the Claimants:** Mr Marshall (counsel)

**For the first respondent:** Mr A McPhail (counsel)

**For the second respondent:** did not attend (but see relevant paragraph below)

# JUDGMENT

- (1) Following the decision made in the Tribunal's judgment on liability dated 27 March 2022 (and subject to its reconsideration judgment dated 1 June 2023), the first respondent shall pay the claimant the sum of **£13,699.17 (Thirteen Thousand, Six Hundred and Ninety-Nine Pounds 17 Pence only)** in full and final settlement of the successful complaint of unfair dismissal, disability discrimination and holiday pay subject to the resolution of the first respondent's appeal lodged with the Employment Appeal Tribunal, (EAT) and as discussed in the paragraphs below.
- (2) This judgment is calculated on the following basis, applying relevant just and equitable principles under the Employment Rights Act 1996 and subject to the parties' agreement (where relevant), as applied below:

UNFAIR DISMISSAL	
A. Basic Award (agreed by parties)	Subtotal/Total

<ol style="list-style-type: none"> <li>1. Completed years of service at date of effective termination = <b>12 years</b></li> <li>2. Weeks' pay = <b>£320.96 per week gross</b></li> <li>3. Claimant's age at effective date of termination = 34 <b>(therefore 1 week's pay for each completed year)</b></li> <li>4. Calculation for basic award is therefore: <b>(£320.96 x 12) x 1 = £3851.52</b></li> </ol>	
Subtotal (Basic Award)	<b>£3851.52</b>
<p><b>B. Compensatory Award (agreed apart from loss of statutory rights)</b></p> <ol style="list-style-type: none"> <li>1. Past loss of earnings = nil</li> <li>2. Future loss of earnings = nil</li> <li>3. Loss of Statutory rights (2 x £320.96) = £641.92</li> </ol>	
Subtotal (Compensatory Award)	<b>£641.92</b>
<b>AGREED AWARD FOR HOLIDAY PAY</b>	
<p><b>Period 1 – 16/7/17 to 31/3/18</b> (£52.50 + commission) = £71.70 x 8.5 days = <b>£609.45</b></p> <p><b>Period 2 – 1/4/18 to 31/3/19</b> (£54.81 + commission) = £74.01 x 12 days = <b>£888.12</b></p> <p><b>Period 3 – 1/4/19 to 27/5/19</b> £76.67 (including commission) x 2 days = <b>£153.34</b></p> <p><b>Period 4 – 27/5/19 to 31/3/20</b> (£57.40 + commission) = £76.67 x 14 days = <b>£1073.38</b></p> <p><b>Period 5 – 1/4/20 to 1/7/20</b> (£61.04 = commission) = £80.24 x 6 days = <b>£481.44</b></p>	
Subtotal (Holiday Pay)	<b>£3205.73</b>
<b>INJURY TO FEELINGS (Sections 20 &amp; 21 Equality Act 2010 – failure to make reasonable adjustments in relation to disability discrimination complaint)</b>	
<p><b>£6,000</b> <i>(Within mid point of lower band in accordance with 'Vento' – see Vento v Chief Constable of West Yorkshire Police (No2) [2003] IRLR 102)</i></p>	
Subtotal (Injury to Feelings)	<b>£6,000.00</b>
<b>Grand total</b>	<b>£13,699.17</b>

(3) This judgment is subject to the first respondent's appeal lodged with the EAT and which has not yet been concluded. As the appeal only relates to the complaints of unfair dismissal and disability discrimination, the above award in

relation to remedy for the complaint of holiday pay in the sum of **£3205.73**, should be paid by the first respondent to the claimant forthwith.

- (4) The balance of the award in relation to remedy for the unfair dismissal (£3,851.52 basic award and £641.92 loss of statutory rights) and disability discrimination (£6,000), totalling **£10,493.44** will not become payable until one of the following events takes place in relation to the EAT appeal:
- (a) The EAT rejects the first respondent's appeal for procedural reasons as explained to the Tribunal by Mr McPhail at the remedy hearing today; or,
  - (b) The EAT rejects the first respondent's appeal following its consideration of the grounds of appeal which they have raised.
- (5) If the first respondent's appeal is successful either in whole, or in part, the parties should take account of this decision when considering whether or not the balance of the above remedy judgment should be paid to the claimant. If it is appropriate and necessary, they may make a further application to this Tribunal for consideration of the implications of the successful appeal in relation to this remedy judgment.
- (6) Finally, given that the claimant did not have any successful complaints against the second respondent, the claim insofar as it applies to the second respondent is dismissed.

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Employment Judge Johnson

Date: 1 November 2023

Sent to the parties on:

7 November 2023

For the Tribunal Office

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.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2409756/2020**

Name of case: **Mrs H Matthews** v **1. Razors Edge Group Ltd**  
**2. Mr Roberts (Manchester) Limited**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day**, **the calculation day**, and **the stipulated rate of interest** in your case. They are as follows:

**the relevant decision day** in this case is: 7 November 2023

**the calculation day** in this case is: 8 November 2023

**the stipulated rate of interest** is: **8% per annum**.

For the Employment Tribunal Office