



EMPLOYMENT TRIBUNALS

Claimant: Mr D Cole-Jones

Respondent: Ocado Central Services Ltd

Heard at: Croydon (via CVP) **On:** 2, 3, 4, 5, 6, 9 and 10 October 2023

Before: Employment Judge Leith
Dr S Chacko
Mr C Rogers

Representation

Claimant: In person

Respondent: Ms Step Marsden (Counsel) – liability (days 1 – 5)
Mr Lawrence (Counsel) – judgment and remedy (days 6 and 7)

JUDGMENT

1. The complaint of failure to make reasonable adjustments succeeds in part, in respect of the failure to implement the phased return to work recommended by Occupational Health on 29 November 2018.
2. The remaining parts of the complaint of failure to make reasonable adjustments fail and are dismissed.
3. The complaint of discrimination arising from disability fails and is dismissed.
4. The complaint of direct sex discrimination fails and is dismissed.
5. The complaint of unauthorised deduction from wages fails and is dismissed.¹
6. The complaint of unfair dismissal fails and is dismissed.
7. The complaint of breach of contract (notice pay) is dismissed upon withdrawal.

¹ The Tribunal's decision and reasons regarding the complaint of unauthorised deduction from wages were provided to the parties orally at the hearing. The decision was, however, accidentally omitted from the version of this Judgment originally sent to the Parties.

8. In respect of the complaint which succeeds, the tribunal awards the sum of **£8,271.35**, made up as follows:
- a. £1,494.17 for loss of earnings (in respect of the period from 29 November 2018 to 10 January 2019);
 - b. £230.88 for interest on loss of earnings (calculated at 8% for 705 days, the period from the date halfway between 29 November 2018 and 10 October 2023, to 10 October 2023)
 - c. £5,000 for injury to feelings;
 - d. £1,546.30 for interest on injury to feelings (calculated at 8% for 1,411 days, being the period from 29 November 2018 to 10 October 2023)

Employment Judge Leith

Date: 10 October 2023
(corrected 23 November 2023)

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.