



# EMPLOYMENT TRIBUNALS

**Claimant** Mr D Tafner

**Respondent** Alumasc Building Products Limited

**Heard at:** Exeter

**On:** 13,14 &15 November 2023

**Before:**

**Employment Judge** Goraj

(sitting alone with the consent of the parties)

**Representation**

**The Claimant:** in person.

**The Respondent:** Mr P Bownes, solicitor

## JUDGMENT

**THE JUDGMENT OF THE TRIBUNAL is that: -**

1. The claimant was a disabled person at the relevant time (15 July 2022) for the purposes of section 6 of the Equality Act 2010 by reason of the condition of osteoarthritis.
2. The claimant was unlawfully discriminated against by the respondent pursuant to sections 13, 15 and 39 of the Equality Act 2010 in respect of his dismissal.
3. The claimant is awarded, and the respondent is ordered to pay to him, by way of compensation for such discrimination, the total sum of **£7,947.71** which is made up as follows:-
  - (1) Loss of earnings between 16 July 2022 and 31 December 2022, (which was reduced by 75% from 10 August 2022 to reflect the percentage change that the claimant's employment would have terminated lawfully on 9 August 2022) - £2,582.67 net +£3,911.99 net = £6,494.66 net.

- (2) Plus, interest thereon at 8% pursuant to the Employment Tribunals (Interest on Awards in Discrimination cases) Regulations 1996 ( from the midpoint) in the sum of £346.38.
  - (3) Injury to feelings in the sum of £1,000.
  - (4) Plus, interest on the award for injury to feelings at 8% pursuant to the above Regulations from 15 July 2022 in the sum of £106.67.
4. The total award is therefore £6,494.66 +£346.38 +£1,000 +£106.67 = £7,947.71.
  5. The Employment Protection (Recoupment of Benefits) Regulations 1996 do not apply in this case.

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Employment Judge Goraj  
Date: 16 November 2023

Judgment sent to the Parties on 07 December 2023

For the Office of the Tribunals

As reasons for the Judgment were announced orally at the Hearing written reasons shall not be provided unless they are requested by a party within 14 days of the sending of this Judgment to the parties.

### **Online publication of judgments and reasons**

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The ET 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 once they have been placed there. If you consider that these documents should be anonymised in anyway prior to publication, you will need to apply to the ET for an order to that effect under Rule 50 of the ET's Rules of Procedure. Such an application would need to be copied to all other parties for comment and it would be carefully scrutinised by a judge (where appropriate, with panel members) before deciding whether (and to what extent) anonymity should be granted to a party or a witness.