



## **EMPLOYMENT TRIBUNALS**

**Claimant:** Mr D. Cooper

**Respondent:** Travis Perkins Trading Company Ltd

**Remedy Hearing**

**Heard at:** Bury St Edmunds      **On:** 25 October 2023

**Before:** Employment Judge Boyes

**Members:** Ms S. Elizabeth (by video)

Mr A. Schooler

Representation

Claimant: In person

Respondent: Mr N Hall, solicitor

### **JUDGMENT on REMEDY**

**The unanimous Judgment of the Tribunal is that:**

- 1. The Respondent must forthwith pay the Claimant the sum of £37,851.28 as compensation for discrimination on the grounds of disability. The award is made up of the following:**
  - a. past financial losses of £2969.61;**
  - b. interest on sum awarded for past financial losses of £248.96;**
  - c. injury to feelings in the sum of £29,000 (comprising an award for harassment of £4000 and for failure to make reasonable adjustments of £25,000);**
  - d. interest on sum awarded for injury to feelings of £4862.46;**
  - e. grossing up for income tax of £770.25**
- 2. No award of compensation is made for personal injury.**
- 3. No award of compensation is made in respect litigation related expenses.**
- 4. The Tribunal makes no recommendation.**
- 5. There is no recoupment.**

**Calculation of award**

Date of birth: 07.09.1983

Commencement of employment: 08.3.2021

Employment ended: 4.10.2021

Net weekly pay: 439.61

**A. Compensation for past losses:**

Period: 05.10.2021 to 7.3.2022 (21 weeks and 5 days)

Notional net earnings over that period: £9545.91

Loss of pension benefit: £693

Less actual net income from self employment over that period of £6939.34

Compensation for past losses = £3299.57

Reduction for contributory conduct: 5%

Polkey reduction (on the basis that there was a chance that the Claimant would have been dismissed anyway): 5%

10% total reduction: £329.96

**Total compensation for past losses= £2969.61**

**B. Interest on compensation for loss of earnings:**

Interest rate - 8%

$765/2 \times 0.08 \times 1/365 \times £2969.61$  = **£248.96\***

*\*figure amended from that which was given orally to correct arithmetical error*

**C. Injury to Feelings**

Compensation for harassment: £4000

Failure to make reasonable adjustments: £25,000

**Total compensation for injury to feelings = £ 29,000**

**D. Interest on injury to feelings**

Date of discriminatory act: 20.09.2021

Calculation date: 25.10.2023

Interest rate - 8%

$765 \text{ days} \times 0.08 \times 1/365 \times 29,000$  = **£4862.46**

**Employment Judge Boyes**

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**Date: 25 October 2023**

**Judgment Sent to The Parties On**

19 December 2023

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**FOR EMPLOYMENT TRIBUNALS**

**Public access to Employment Tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the Claimant(s) and Respondent(s) in a case.