



EMPLOYMENT TRIBUNALS

Claimant: Mr Arthur Evans

Respondent: Green Machine South West Limited

Heard at: Bristol (by video) **On:** 8, 9, 10 and 11 January 2024

Before: Employment Judge Midgley
Mr P Bompas
Mr D Stewart

Representation

Claimant: In person, supported by Mrs Valerie Pearson
Respondent: Miss Bethany Pinney, HR Director

JUDGMENT

1. The claimant was unfairly dismissed. The claim that the claimant was constructively unfairly dismissed contrary to section 111 Employment Rights Act 1996 ("ERA") is well founded and succeeds.
2. The respondent made unauthorised deductions from the claimant's wages. The claim under section 13(3) ERA is well founded and succeeds.
3. The respondent discriminated against the claimant because of something arising from his disability contrary and failed to make reasonable adjustments. The claims under sections 15 and 20 of the Equality Act 2010 are well founded and succeed.
4. The respondent subjected the claimant to a detriment because he did a protected act. The claim under section 27 Equality Act 2010 is well founded and succeeds.
5. The claim of direct discrimination is not well founded and is dismissed.
6. The respondent is Ordered to pay the claimant the following sums as compensation:

6.1. Unfair dismissal

6.1.1. Basic Award

£1,298.08

6.1.2.	Loss of Statutory Rights	£500
6.1.3.	Loss of Earnings	£3798.18

[The claimant did not receive benefits and the recoupment provisions do not apply]

6.2.	Injury to feelings	£12,000
6.3.	Interest on the injury to feelings award	£1501.81

(8% per annum, amounting to £2.63 a day for 571 days between 20 June 2022 and date of Judgment, 11 January 2024.)

7. The respondent must calculate the Net sum to be paid as unpaid overtime and notify the claimant and the Tribunal within 7 days of this judgment so that an amended Judgment may be issued.

Employment Judge Midgley

Date 11 January 2024

JUDGMENT SENT TO THE PARTIES ON
23rd January 2024

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.