



EMPLOYMENT TRIBUNALS

Claimant: Thomas Marshall

Respondent: Sainsbury's Supermarkets Ltd

Heard at: Birmingham

On: 4 November 2025 with further written submissions on 12 December 2025

Before: Employment Judge Meichen, Miss S Outwin, Mr P Kennedy

Appearances

For the claimant: Miss Fleming, lay representative

For the respondent: Mr Montgomery, counsel

REMEDY JUDGMENT

1. The respondent shall pay the claimant the following:
 - 1.1 Compensation for injury to feelings of £16500.
 - 1.2 Interest on the above sum at the rate of 8% from 19 December 2023 (date of discrimination) to 15 December 2025 (date of calculation).
 - 1.3 Loss of salary and bonus for 18 months post dismissal in the sum of £34573.02 net.
 - 1.4 Interest on the above sum at the rate of 8% from 16 December 2024 (mid point between discrimination and calculation) to 15 December 2025.
2. The ACAS Code of Practice applied, the respondent unreasonably failed to comply with it and it is just and equitable to increase the award payable to the claimant by 10%.
3. The total amount of compensation to be paid to the claimant by the respondent is: £62114.45, comprising £21042.07 injury to feelings (16500 + 10% uplift = 18150 + interest = 21042.07) + £41072.38 net financial loss (34573.02 + 10% uplift = 38030.32 + interest = 41072.38).
4. The tribunal shall not make a separate award for personal injury or aggravated damages.
5. The tribunal should explain the approach taken to calculating the figure for loss of salary and bonus:
 - 5.1 The tribunal decided on the appropriate period of loss (18 months) at the hearing on 4 November 2025. However the parties were unable to agree how the figures should be calculated. Time ran out at the hearing.

- 5.2 The tribunal gave the parties a further period of time to agree but they remained unable to do so. In the end written submissions had to be provided on the points of dispute. These were provided on 12 December 2025.
- 5.3 The points of dispute turned out to be twofold. First, the claimant had calculated his loss of salary on the basis of the shifts he was working at the time he was dismissed. This was just before Christmas which is the respondent's peak trading period. Consequently, the claimant was in that period working nightshifts and earning extra overtime. The respondent did not agree that the figures should be calculated on that basis as this was a temporary arrangement to assist with the peak trading period in December 2023 only.
- 5.4 Second, the claimant had calculated his loss of bonus on the basis that he would have received a bonus of 30%. This is the maximum that could possibly have been awarded under the respondent's bonus scheme. The respondent did not agree to this as it was not the bonus that the claimant would actually have received had he remained in employment. Entitlement to bonus is calculated under the scheme according to company performance. As a result of these calculations the maximum possible bonus payable to employees at the claimant's grade was 22.5% in 2023/24 and 19.1% in 2024/2025. The respondent said this is how the claimant's loss of bonus should be calculated.
- 5.5 The tribunal reviewed the submissions. The tribunal agreed with the respondent's approach. The loss of earnings calculation should be performed on the basis of what the claimant would actually have earned had he remained in employment. The tribunal was satisfied that the respondent's calculation accurately reflected that. The tribunal therefore adopted the respondent's figures.
- 5.6 It was possible to make this decision quickly after having received the parties' submissions. Unfortunately there was then a delay in sending out this judgment due to the festive period, the need to have the judgment approved through correspondence with all 3 panel members and the pressure of other work. In view of this and the fact that the tribunal had not accepted any of the claimant's objections to the respondent's approach the tribunal considered there would be serious injustice if interest were to be calculated beyond 15 December 2025.

Employment Judge Meichen
Approved on 21 January 2026

Full reasons for the judgment having been given orally at the hearing, further written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.