



THE EMPLOYMENT TRIBUNAL

SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE P BRITTON (Sitting Alone)

BETWEEN:

Claimant

MR A FISHER

AND

Respondent

GALLERY NIGHTCLUB LIMITED

ON: 6 January 2020

APPEARANCES:

For the Claimant: Mr Andrew Watson, Counsel

For the Respondent: No Attendance
(but see explanation referred to
hereinafter)

JUDGMENT

The Judgment of the Employment Tribunal is that: -

1. As to the claim of non-payment of wages, the Respondent will pay the Claimant the net sum of **£1,230.24**.
2. The claim for breach of contract (failure to pay notice pay) succeeds. The Respondent will pay the Claimant damages in the net sum of **£498.86**.
3. The claim for disability discrimination primarily based upon Section 15 of the Equality Act 2010 succeeds. The Respondent will pay the Claimant as follows: -
 - i. For injury to feelings, damages in the sum of £12,000.00 plus

interest at 8% from the 14 August to 6 January of £1,344.00. This makes a total award for the injury to feelings element of **£13,344.00**.

- ii. Also, compensation for loss of earnings £2,991.74 plus interest thereon of 8% from the midway point namely 26 April 2019 to today's date, 6 January 2020 equals £167.21 means total compensatory award equals **£3,158.95**.
 - iii. For the avoidance of doubt, this means that the total award made for the act of discrimination is **£16,502.95**.
4. Pursuant to Section 38 of the Employment Act 2002, the employer having failed to provide the Claimant with written particulars of employment throughout the employment and it being just and equitable so to do, the Tribunal makes an additional award of compensation of four weeks' pay at the statutory cap (£508pw x 4) equals **£2,032.00**.

REASONS

1. These are summary reasons. The Respondent wrote in shortly before today stating that it had ceased trading and was in the early stages of placing itself in insolvency. Thus, it would no longer be defending the action. Accordingly, I have proceeded to assess remedy.

Employment Judge Britton

Date: 10 January 2020

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.

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