



# EMPLOYMENT TRIBUNALS

**Claimant:** Miss M Ella

**Respondent:** Rockbridge Medical Ltd

**Heard at:** East London Hearing Centre (by Cloud Video Platform)

**On:** 5 and 6 November 2020

**Before:** Employment Judge Jones  
**Members:** Mrs L Land  
Dr L Rylah

## Representation

**Claimant:** In person  
**Respondent:** Mr Munroe (Peninsula)

# JUDGMENT

## The judgment of the Tribunal is that: -

1. The complaint against Mark Lyons was withdrawn and dismissed upon withdrawal.
2. The complaint of direct age discrimination (section 13 Equality Act 2010) succeeds against Rockbridge Medical Ltd.
3. The complaint of dismissal in contravention of section 39(2)(c) Equality Act 2010 also succeeds.
4. The Respondent failed to give the Claimant a statement containing particulars of change of terms and conditions of employment, after the change on 1 October 2019.
5. The complaint of indirect age discrimination fails.

**Remedy**

6. The Claimant is entitled to the following remedy for her successful complaints. This is ordered under section 124 Equality Act 2010.

**Injury to feelings £4,000**

Loss of earnings

7. Loss of earnings at the rate of £18,000 per annum between 12 February 2020 – 19 October when the Claimant started new employment. There is no claim for loss of earnings after 19 October 2020.

22 weeks at £346.15 = £7,615.30

15 weeks (23 March – 3 July reduced rate because it is likely that that Claimant would have been furloughed during that time)  $346.15 \times 80\% = £276.92$ .

$15 \times £276.92 = £4,153.80$

**Total loss of earnings = £11,769.10**

Interest (Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996) at the rate of 8%

8.  $£4,000 \times 8\% = £320$

9.  $£11,769.10/2$  (interest on loss of wages is calculated from midpoint) =  
 $£5,884.55 \times 8\% = £470.76$

**Total interest = £790.76**

**Total award under Equality Act 2010 = £4,000 + £11,769.10 + £790.76 = £16,559.86**

Failure to provide change of employment particulars

10. The Claimant is entitled to 2 weeks' pay because of the Respondent's contravention of section 4 Employment Rights Act 1996 and in accordance with Section 38(3) and (4) Employment Act 2002.  $2 \times £346.15 = £692.30$ .
11. The Claimant is entitled to a total remedy of  $£16,559.86 + 692.30 = £17,252.16$ .
12. The Respondent is to pay the Claimant the sum of £17,252.16 as a remedy for her successful claim.

**Employment Judge Jones  
Date: 16 November 2020**