



EMPLOYMENT TRIBUNALS

Claimant: Mr M Palmer
Respondent: Forest Environmental Limited (in administration)
Heard at: East London Hearing Centre
On: 16 October 2018
Before: Employment Judge Russell

Representation
Claimant: In person
Respondent: Did not attend and was not represented

JUDGMENT

1. The claim of constructive unfair dismissal succeeds.
2. The claim of harassment related to disability succeeds.
3. The claim of discrimination arising from disability succeeds in respect of dismissal only.
4. The claim for reasonable adjustments succeeds in respect of welfare meetings and grievance meetings during the period of sickness absence from 20 January 2015 until 24 August 2016.
5. The claim of direct discrimination because of disability fails and is dismissed.
6. But for the failure to make reasonable adjustments there was a 50% chance that the Claimant would have returned to work from 12 August 2015; a 25% chance that he would have returned to work from August 2016 and a 100% chance that his employment would have terminated in any event on 18 May 2018 when the Respondent went into administration.
7. The Claimant is awarded £63,436.25 (comprising the following sums):
 - 7.1 A basic award of £11,735.50
(21 years' completed employment; aged 50 at dismissal = 24.5 weeks @ £479)

7.2 Loss of statutory protection £500

7.3 Compensation for discrimination assessed at £41,200.75

**26/1/15 – 19/8/15: 29 weeks @ £673 p/wk net = £19,517; less
benefits received of £2,477**

**19/8/15 – 24/8/16: 52 weeks @ £673 p/wk net x 50%= £17,498;
less benefits received of £3,848**

**23/8/16 – 18/5/18: 91 weeks @ 673 p/wk net x 25% = £15,310.75;
less money earned in mitigation of £4,800**

7.4 Injury to feelings of £10,000

Employment Judge Russell

29 October 2018