



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr W Hadley

v

**(1) Tower Transit Operations
Limited**

Heard at: London Central Employment Tribunal

On: 10-12 May 2022

Before: Employment Judge B Beyzade
Mrs L Moreton
Ms J Cohen

Representation

For the Claimant: Mr A Leonhardt, Counsel
For the Respondent: Ms K Moss, Counsel

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

1. The unanimous judgment of the tribunal is that:

1.1. the complaint of unfair dismissal is well-founded and succeeds. However, no compensation is due to the claimant in respect of his unfair dismissal because:

1.1.1 Pursuant to section 122(4) of the *Employment Rights Act 1996*, no basic award is payable, the respondent having made a redundancy payment to the claimant;

1.1.2 No compensatory award is due to the claimant as there was a 100% chance that the claimant would have been dismissed had a fair redundancy procedure been followed. Accordingly,

the compensatory award is reduced by 100% pursuant to the principles in *Polkey v A E Dayton Service Limited 1988 ICR 142*.

- 1.2. The claimant's claim of direct discrimination because of the protected characteristic of age is not-well founded and is dismissed and
- 1.3. The claimant's claim of breach of contract is not-well founded and is dismissed.

REASONS

1. Oral reasons were given for this judgment at the end of the hearing held in-person at the London Central Employment Tribunal at Victory House, 30-34 Kingsway, London, WC2B 6EX.

Employment Judge B Beyzade

Dated: 20 May 2022

Sent to the parties on:

20/05/2022.

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.