



EMPLOYMENT TRIBUNALS

Claimant: Mr J Waddington
Respondent: Arriva Rail North Limited

Heard at: Leeds **On: 21st and 22nd August 2018**
Before: Employment Judge Lancaster
Members: Ms L Fawcett
 Mr J Rhodes

Representation

Claimant: In person
Respondent: Ms H Royle, solicitor

The unanimous decision of the Tribunal is:

JUDGMENT

1. The complaints of a failure to make reasonable adjustments and of unfavourable treatment because of something arising in consequence of the Claimant's disability, that is with regard to the Claimant being required to resume a period of sickness absence on 21st November 2017, succeed.
2. Any other complaints potentially appearing on the face of the pleadings are dismissed upon withdrawal
3. The Respondent is ordered, pursuant to section 124 of the Equality Act 2010, to pay to the Claimant compensation calculated as follows:
 - 3.1 Loss of earnings (net) for 16 weeks whilst on ½ pay during sickness absence as compared to full pay on alternative duties £4603.99
 - 3.2 Uplift of 25 per cent awarded by the Tribunal at its discretion under section 207A Trade Union & Labour Relations (Consolidation) Act 1992 £1151.00
 - 3.3 Interest at 8 per cent per annum from the midpoint between the act of unlawful discrimination and today (137 days) £172.81
 - 3.4 Compensation for injury to feelings £6000.00

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- 3.5 Uplift of 25 per cent awarded by the Tribunal at its discretion under section 207A Trade Union & Labour Relations (Consolidation) Act 1992 £1500.00
- 3.6 Interest at 8 per cent per annum from the date of the unlawful discrimination until today (274 days) £450.41

4. The total award of the tribunal is therefore £13,878.21

Note

Reasons for the judgment having been given orally at the hearing, 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.

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EMPLOYMENT JUDGE LANCASTER

DATE 22nd August 2018