



EMPLOYMENT TRIBUNALS

Claimant

Mr MW Batista de Lima

v

Respondent

J Sainsbury PLC

Heard at: London Central Employment Tribunal

On: 21-22 November 2018

Before: Employment Judge Norris sitting alone

Appearances

For the Claimant: Mr A Otchie, Counsel

For the Respondents: Mr M Khoshdel, Counsel

JUDGMENT

1. The Claimant's claims of unfair and wrongful dismissal are well-founded and succeed.
2. There is 100% likelihood that the Claimant would have been fairly dismissed within four weeks following a proposed change in his hours which he did not accept, and accordingly there is 100% *Polkey* reduction as for any future loss.
3. The Claimant contributed to his dismissal by 5%.
4. The Respondent is ordered to pay the Claimant the sum of £2,681, as follows:
 - a. The basic award (after being reduced by the 5% contribution) is £1,121.
 - b. The compensatory award (loss of statutory rights, reduced by the 5% contribution) is £380.
 - c. The notice pay is £1,180.
5. The Claimant's application for re-engagement is dismissed.
6. The Claimant's claim for "other payments" is dismissed on withdrawal.

Employment Judge Norris

23 November 2018

Sent to the parties on:

27 November 2018

For the Tribunal:

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Note: Reasons were given at the time and written reasons will not be provided unless they are asked for by a written request presented by any party within 14 days of the sending of this written record of the decision