



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Raymond Levy

**Respondent:** McHale Legal Limited

**Heard at:** Manchester

**On:**

22 May 2019

**Before:** Employment Judge Langridge  
Mr Q Colborn  
Ms B Hillon

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Ms L Amartey, Counsel

# JUDGMENT

The judgment of the Tribunal is as follows:

1. The respondent directly discriminated against the claimant contrary to section 13 Equality Act 2010 by not offering him a position as a commercial property solicitor on 12 March 2018, in that the claimant's age was the reason for its decision.
2. The claimant's claim for indirect discrimination arising from the same facts is dismissed.
3. A remedy hearing shall take place at Alexandra House, 14-22 The Parsonage, Manchester M3 2JA on **Wednesday 17 & Thursday 18 July 2019** to determine compensation.

# ORDERS

The following orders are made in respect of the remedy hearing:

- (1) The parties are to exchange with each other copies of all new evidence, whether in the form of witness statements or documents, relating to remedy by no later than **3 July 2019**. This shall include an updated Schedule of Loss from the claimant.

- (2) The respondent is to prepare an indexed and paginated supplementary bundle of documents relating only to remedy issues. A copy shall be provided to the claimant by no later than **10 July 2019** and 4 further copies for use by the Tribunal shall be brought by the respondent to the remedy hearing.
- (3) Subject to clarification or amendment at the commencement of the hearing, the following is a list of the issues to be determined at the remedy hearing:
- i. Whether, but for the discrimination, the claimant would have been appointed to the position of commercial property solicitor.
  - ii. The terms on which any such appointment would have been offered, including terms as to:
    - a. Whether the appointment would have been as an employee, a self-employed contractor or a consultant;
    - b. When the appointment would have begun;
    - c. The remuneration that would have applied;
    - d. The amount of notice that the parties would have been required to give each other to terminate the appointment;
    - e. The likely duration of the appointment, and whether it would have been carried out on an interim basis.
  - iii. What, if any, loss of earnings the claimant suffered in consequence of the discrimination, and whether or not losses continued on an ongoing basis after his next employment began.
  - iv. Whether the claimant took all reasonable steps to mitigate his loss of earnings.
  - v. What injury to his feelings the claimant says he experienced as a result of the discrimination (which is to be supported by evidence from the claimant), and the value of the award for injured feelings he seeks, in particular why the claimant alleges that the middle band of Vento is appropriate.
  - vi. What, if any, award of compensation for aggravated damages should be made, which question shall include consideration of the respondent's conduct of the proceedings.

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Employment Judge Langridge

Date 10 June 2019

JUDGMENT SENT TO THE PARTIES ON

21 June 2019

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.

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