



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms S Kumar

**Respondents:** (1) Nicholl Food Packaging Limited (in Administration)  
(2) Mr Jerry Ren

## FINAL HEARING

**Heard at:** Birmingham

**On:** 3 & 4 February 2020

**Before:** Employment Judge Camp

**Members:** Mrs IR Fox  
Mr D Faulconbridge

### Appearances

For the claimant: in person

For the respondents: no appearance

## JUDGMENT

- (1) The proceedings against respondent (1) – Nicholl Food Packaging Limited (in Administration) – are stayed in accordance with paragraphs 43 and 44 of the schedule B1 of the Insolvency Act 1986.
- (2) **UNLESS ORDER:** Unless the claimant makes a written application to lift the stay, accompanied either by respondent (1)'s Administrators' consent or an Order of the Court permitting the proceedings to continue, on or before **4 August 2020**, the proceedings against respondent (1) will be dismissed without further order pursuant to rule 38 of the Employment Tribunals Rules of Procedure.
- (3) The following complaints of the claimant against respondent (2) – Mr Jerry Ren – succeed:
  - a. a complaint of direct race discrimination relating to a comment made by him to her at a meeting on 28 January 2019, referred to in paragraph 62 of the claim form Particulars of Claim;
  - b. two complaints of victimisation under section 27 of the Equality Act 2010 relating, respectively, to:
    - i. the claimant being placed in an alleged redundancy situation (and, ultimately, being made redundant);



- ii. respondent (2) shouting and swearing at the claimant in front of her colleagues on 8 February 2019.
- (4) No final decision is made in relation to a complaint of racial harassment against respondent (2) that is identical to the above complaint of direct race discrimination, because it is unnecessary to make one given the decision in the claimant's favour on that complaint of direct race discrimination.
- (5) All other complaints against respondent (2) fail and are dismissed.
- (6) The claimant is awarded and respondent (2) – Mr Jerry Ren – must pay her a total sum of **£23,096.99** in compensation, consisting of:
- a. £10,000 for injury to feelings;
  - b. £13,551.82 in relation to loss of earnings;
  - c. £135.52 for loss of pension;
  - d. £333.33 for loss of statutory rights;
  - e. less £923.68 already received from respondent (1) as a redundancy payment.
- (7) This Judgment was made and took effect on 4 February 2020.
- (8) Reasons for the Judgment were given orally at the hearing. Written reasons will not be provided unless asked for by a written request presented by any party within 14 days of the sending of the written record of the decision.

Employment Judge Camp

05/02/2020