



EMPLOYMENT TRIBUNALS

Claimant: Miss E Connor

Respondents: (1) Fund Ourselves Limited (Company Number 9550128)
T/a Welendus
(2) Nadeem Siam

Heard at: East London Hearing Centre

On: 14 January 2020 and (in Chambers) 13 March 2020

Before: Employment Judge C Lewis

Members: Ms L Conwell-Tillotson
Mr D Ross

Representation

Claimant: Mr S Woodman - Solicitor
Respondent: Ms S Wookey - Counsel

CORRECTED RESERVED JUDGMENT ON REMEDY

Following a Judgment sent to the parties on 5 February 2020 with reasons given orally on the 14 January 2020 in which the Tribunal found for the Claimant in respect of her claims for sex discrimination, harassment related to sex and victimisation contrary to section 26 and 27 of the Equality Act 2020

The unanimous decision of the Employment Tribunal is that the Claimant is awarded the following amounts in respect of remedy:

1. Loss of earnings from 21 August 2018 to January 2019, in the sum of £23,291.70
2. Interest on the loss of earnings from the mid-point being a total of 268.5 days in the sum of £1370.70
3. Injury to feelings in the sum of £13,000

4. Interest on the award for injury to feelings from 26 April 2018 to the date of calculation [13 March 2020] a total of 689 days at the rate of 8%, being the sum of £1963.18
5. The total award including interest is £39,625.58 and is payable by the Respondents to the Claimant forthwith.

REASONS

1. Having heard the Claimant's evidence and the respective submissions of the parties in respect of remedy there was insufficient time for the tribunal to complete its deliberation and deliver its decision on remedy at the hearing on 14 January. The Tribunal reserved its decision and reconvened in Chambers on 13 March 2020 and reached the following decision.

2. We accept the Claimant's evidence as to her losses and her attempts to mitigate them, we also accept that as a trained accountant she would have acted in such a way as to minimise her tax liability in respect of those earnings. We therefore award the sum of 5 months' lost income at £5633.34 per month being £28,166.70 less the income she received for August 2018 in the sum of £4875.00 making the total losses the sum of £23,291.70.

3. The *Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996* apply and the Claimant is entitled to interest on the lost income from the midpoint between date of loss 21 August 2018 to the date of calculation 13 March 2020 a total of 537 days, the midpoint being 268.5 days, at the judgment rate currently 8%; the daily rate being £5.10 per day the interest awarded on the lost income is £1370.00

4. Having heard her evidence we are satisfied that the injury to the Claimant's feelings was significant. She suffered a severe loss of confidence in her professional capacity, and experienced a form of stress disorder and received medication from her GP to help with anxiety and lack of sleep, she also required counselling. We accept the Claimant's evidence set out in her witness statement and given orally at the hearing in respect of the severity of the affect on her of the treatment that we have found to have been unlawful sexual harassment and victimisation. We consider that the appropriate level of injury to feelings is in the middle Vento band. We took into account similar cases reported in Harvey on Employment Law, looking at those in both the lower band and mid Vento band in reaching this conclusion.

5. We have found that the Respondents' victimisation of the Claimant led to the termination of her professional engagement with the First Respondent and aggravated the injury to her feelings and we take that into account in reaching a decision as to the appropriate amount of the award.

6. We are satisfied that it is just and equitable to award the sum of £13,000 for injury to feelings.

7. The Claimant is also entitled to interest on that ward and we calculate that from the 26 April 2018 which is the first of the acts of harassment for which a specific date was given. The number of days from 26 April 2018 to the date of calculation of the award is 689 days and the amount of the interest on the injury to feelings awarded is £1963.18.

8. The total award payable by the Respondents to the Claimant forthwith is £39,625.58 calculated as follows:

- 8.1 Loss of earnings from 21 August 2018 to January 2019, in the sum of £23,291.70
- 8.2 Interest on the loss of earing from the mid-point being a total of 268.5 days in the sum of £1370.70
- 8.3 Injury to feelings in the sum of £13,000
- 8.4 Interest on the award for injury to feelings from 26 April 2018 to the date of calculation [13 March 2020] a total of 689 days at the rate of 8%, being the sum of £1963.18

Employment Judge C Lewis
Date: 26 October 2020