



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms Mila Hays  
**Respondent:** Remi Makinde  
**At:** London Central Employment Tribunal  
**Before:** Employment Judge Adkin

## JUDGMENT

1. The Respondent's application to extend time for presentation of a response under rule 20 of the Employment Tribunal (Constitution & Rules of Procedure) Regulations 2013, Schedule 1 ("the Rules") is refused.
2. The Respondent's application to reconsider and revoke the judgment of Employment Judge Adkin dated 11 May 2020 is refused.
3. The Judgment of the Tribunal, made under rule 21 of the Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, is that the Respondent unlawfully harassed the Claimant relating to her race pursuant to section 26 of the Equality Act 2020.

### Compensation

4. The Respondent is ordered to pay to the Claimant compensation for injury to feelings in the sum of **£1,500.00**.

## REASONS

1. On 13.1.20 the Claimant presented a claim for unpaid wages and race discrimination. She alleged that the Respondent called her a "white cunt" and "racist New Zealander".

2. On 16.1.20 a notice of claim was sent to 275 New North Road, London N1 7AA, the Respondent's home address, with a deadline to respond using the ET3 response form of 13.2.20.
3. No response was submitted.
4. On 19.2.20 a 'no response received' letter was sent to 275 New North Road, London N1 7AA highlighting that there had been no response. There was no response from the Respondent to this letter either.
5. A hearing listed to take place on 7.5.20 was cancelled by the Tribunal.
6. In an email dated 11.5.20 the Claimant detailed the quantum of the claim.
7. On 11.5.20 a judgment was issued in the Respondent's favour for £500. This related to unpaid wages in the period 16-29.12.19, pursuant to rule 21 of the Employment Tribunals (Constitution & Rules of Procedure) Regulations 2013, Schedule 1.
8. Also on 11.5.20 an Order was sent out asking to the Claimant asking her to confirm whether the claim of race discrimination was pursued and to provide a schedule of loss by 8.6.20.
9. On 12.5.20 the Judgment and Order were sent both parties, specifically in the case of the Respondent to her home address at 275 New North Road, London N1 7AA.
10. On 7.7.20 the Tribunal received a notification from the ET penalty team that the Respondent claims not to have received the claim, as she "does not use that address anymore". She also in this document alleges that the Claimant is self-employed and therefore not entitled to receive a claim for unpaid wages.
11. Also on 7.7.20 the Respondent made an application by email. In this communication she explained that 275 New North Road is her home address.
12. On 14.7.20 an email from the Tribunal was sent to the parties, indicating that Employment Judge Adkin was contemplating revoking the earlier judgment and inviting the Respondent to confirm her address. No response was received to this email.
13. During this period the Claimant continued to chase the Tribunal for progress.
14. By an email of 16.9.20 the Tribunal sent a copy of the claim form (ET1) together with a blank ET3 (response form) and a letter providing directions for the Respondent to provide a witness statement and supporting evidence in support of her position by 2.10.20, in preparation for a hearing listed by video on 21.10.20. The Respondent was given the opportunity to make an application to extend time under rule 20 and to complete a ET3 response form. This letter contained a clear warning that if the Respondent did not engage that the judgment would stand and the Claimant would be entitled to take enforcement action.
15. The Respondent failed to file any evidence, nor make an application under rule 20, nor submit a completed ET3 response nor even an explanation that she was unable to do so for some reason.
16. The Respondent did not attend the hearing on 21.10.20, but sent an email a few minutes before the hearing at 13:36 with the following: "I have tried to reach you by phone but unable to. I'm feeling very unwell, dizzy and vomiting quite a lot. I'll

be calling my doctor as soon as I send this email. As a result, I will be unable to take part in this tribunal today.”

17. By an Order made on 22.10.20, I made the following order:

- a. By 30 October 2020 the Respondent shall send to the Tribunal (copying the Claimant) any written representations relating to the reconsideration of the original judgment and a potential judgment in the claim of race discrimination.
- b. By 9 November 2020 the Claimant shall send to the Tribunal (copying the Respondent) with any written representations in reply.

18. The Respondent has failed to comply with that order. Indeed, no correspondence has been received from the Respondent at all since her email of 21.10.20.

19. I consider that it is in the interests of justice that default judgment should be given in the Claimant's favour in the claim of race harassment and that the Respondent's applications be refused.

---

**Employment Judge Adkin**

**Dated: 26 April 2021**

Sent to the parties on:  
26<sup>th</sup> April 2021.

For the Tribunal: