



EMPLOYMENT TRIBUNALS

Claimant: Mrs A Sokolova

Respondent: Humdinger Limited

Heard at: Hull

On: 14, 15, 16, 17 June 2021
18, 21 June 2021 (in chambers)
22 and 23 June 2021

Before: Employment Judge D N Jones
Mr D Crowe
Mrs N Arshad-Mather

REPRESENTATION:

Claimant: In person
Respondent: Ms A Del Priore, counsel

JUDGMENT

1. The dismissal of the claimant was unfair.
2. The dismissal was not an act of direct or indirect race discrimination.
3. The policy of requiring employees to wear overgarments of a particular make and buttoned to the top was not indirect sex discrimination.
4. The policy of requiring employees to speak English in meetings was an act of indirect race discrimination which was not objectively justified. The discrimination extended over a period the last act of which was within the primary time period. In any event, the complaints concerning the meetings in October 2019 were presented within a period that would have been just and equitable to consider them.
5. The complaint that the policy of requiring employees to speak English in the workplace was not an act of indirect discrimination which generally disadvantaged those of Latvian nationality and disadvantaged the claimant because it was objectively justified.

6. It is not just and equitable to reduce the compensatory award by reason of any prospect of the claimant having been dismissed had an alternative fair procedure been adopted.
7. The compensatory award shall be increased by 10% to reflect the unreasonable failure of the respondent to comply with the ACAS Code of Practice and Disciplinary Procedures.
8. It is just and equitable to reduce the compensatory award by 20% to reflect conduct of the claimant which contributed to the dismissal.
9. It is just and equitable to reduce the basic award by 20% for the same conduct.
10. The respondent shall pay to the claimant compensation in respect of the unfair dismissal in the sum of **£5,996.02** comprising a basic award of £3,531 and a compensatory award of £2,465.02.
11. The recoupment provisions apply. The prescribed period is from 1 October 2020 to 23 June 2021 and the prescribed element is £2,025.02. The total award for unfair dismissal exceeds the prescribed element by £3,971.
12. The respondent shall pay to the claimant compensation for the indirect race discrimination in the sum of **£10,800**, being an award for injury to feelings of £10,000 and interest of £800.
13. The deposit of £100 which was paid by the claimant pursuant to the order of Employment Judge Little dated 4 May 2021 shall be paid to the respondent.
14. The decision is unanimous.

SCHEDULE

Unfair Dismissal

Basic award

Gross weekly pay of £327 x 9 years of continuous service x 1.5 = £4,414.50

Less 20% reduction for conduct

£ 3,531.00

Compensatory award

Loss of earnings for 7 weeks from 1/10/2020 to 20/11/2020

@ £284.61pw

= £1,992.27

Loss of pension @£7.92 for 39 weeks	=	£308.88
Loss of statutory rights		£500.00
Sub total		£2,801.15
Increase of 10% for failure to comply with ACAS Code		
	+ £280.12 =	£ 3,081.27
Decrease of 20% for contributory conduct	-£616.27	
		= <u>£2,465.02</u>

Indirect discrimination

Injury to feelings		£10,000
Interest for 12 months @ 8%	£800	
		<u>£10,800</u>

Employment Judge D N Jones
Date: 25 June 2021