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# EMPLOYMENT TRIBUNALS

**Claimant:** Ms V Carson  
**Respondent:** LEAD Digital Limited  
**Heard at:** East London Hearing Centre    **On:** 14 July 2021 (by telephone)  
**Before:** Employment Judge O'Brien  
**Representation:**  
Claimant: In person  
Respondent: Did not attend and was not represented

## JUDGMENT ON REMEDY

Default judgment pursuant to rule 21 of the Employment Tribunal Rules of Procedure 2013 having been given by Employment Judge Burgher on 8 December 2021, I make the following judgment on remedy:

1. The respondent shall pay to the claimant the sum of £15,300 in respect of loss of earnings.
2. The respondent shall pay to the claimant the sum of £20,000 in respect of injury to feelings.
3. The sums above, totaling £35,300, shall be paid within 14 days.

## REASONS

1        On 8 December 2019, the claimant presented complaints of direct sex discrimination, harassment related to sex, victimisation having complained of sex discrimination, and unfair dismissal. On 14 December 2019, the claim form and attached particulars of claim were served by the Tribunal on the Respondent at its then registered office: Kemp House, 160 City Road, London, EC1V 2NX.

2        In the meantime, the claimant was invited on 14 December 2019 to explain why her unfair dismissal claim should not be struck out on the basis that she had not been employed for at least 2 years. She did not provide any such explanation; however, no response to the claim was received from the respondent and so, on 11 November 2020, the respondent was

notified (again at its then registered address) that judgment could consequentially be entered under rule 21 of the 2013 Rules of Procedure.

3 Again, the respondent did not respond and, on 8 December 2020, Employment Judge Burgher gave a default judgment pursuant to rule 21 of the 2013 Rules of Procedure. It is unclear whether a copy of that judgment was sent to the respondent as well as the claimant; however, notice of today's remedy hearing (with joining details) was sent to the respondent at its then registered address. No response was received to that notice, nor did any representative of the respondent attend the hearing. Consequently, I was satisfied that it was appropriate to continue in the respondent's absence. I note in any event that the respondent (if it had been represented) would have been entitled to participate in the hearing only to the extent I permitted.

4 In advance of the hearing and as requested, the claimant provided to the Tribunal a schedule of loss, seeking compensation for financial losses, injury to feelings, personal injury and aggravated damages. In fairness to the claimant, and perhaps in recognition of her length of service being less than 2 years, she made no claim for a basic award (the only award which could be made for unfair dismissal but not under the Equality Act 2010).

5 The claimant's claim form, which she confirmed to be true, details discriminatory treatment lasting from March 2018 to October 2019 including offensive and sexualised comments, and dismissal in retaliation for complaining about sexually discriminatory treatment. She described to me today the high-handed manner in which the respondent had treated her, and the impact it had had on her well-being. She had experienced difficulty sleeping and anxiety caused by the treatment and subsequent loss of income. She had been out of work for 6 months and had since then been able to secure only ad hoc contracting work, and so had no job security.

6 I was satisfied that the claimant had suffered a total loss of income for 6 months. Given her uncontested monthly net salary of £2,550, I calculated her financial losses to total £15,300 net.

7 The claimant manifestly suffered significant injury to feelings. Whilst she claimed significant damages for personal injury, it appeared to me that the injuries she described (and which to her credit she did not seek to exaggerate) were those for which a suitable award for injury to feelings would adequately compensate. The claimant also sought aggravated damages for the high-handed way that the respondent had treated her when she raised complaints of discrimination. However, I reminded myself that such an award was punitive in nature and would only be appropriate when the compensation otherwise awarded would not adequately punish the respondent.

8 Looking to the seriousness and duration of the conduct complained of, I was not persuaded that it passed into the top Vento bracket but, taking into account its total effect on the claimant, fell into the higher half of the middle Vento bracket. Doing my best, I concluded that an award of £20,000 for injury to feelings was appropriate with no additional award for personal injuries or aggravated damages.

9           Consequently, I make an award of £15,300 for financial losses and a further award of £20,000 for injury to feelings, making a total award of £35,300 to be paid within 14 days.

**Employment Judge O'Brien**

**14 July 2021**