



EMPLOYMENT TRIBUNALS

SITTING AT:

LONDON CENTRAL

BEFORE:

EMPLOYMENT JUDGE F SPENCER

MEMBERS

MR J CARROLL
MR M SIMON

BETWEEN:

MR D OPOKA

CLAIMANT

AND

AXIS SECURITY SERVICES LIMITED

RESPONDENTS

BIDFEST NOONAN LTD

ON: 3 and 4 February 2022

Appearances

For the Claimant: In person

For the Respondent: Ms A Palmer, counsel

This hearing was carried out on CVP (Cloud Video Platform). The Claimant had said he could not attend in person and the Respondent did not object to it being conducted in this way. All issues could be resolved using CVP.

JUDGMENT

Following the liability judgment sent to the parties on 20 January 2020 the Judgment of the Tribunal is that:

1. By consent, Bidfest Noonan Ltd is added as a Respondent to these proceedings, following its acquisition of the business of Axis Security Services Ltd.

2. Axis Security Services Ltd is ordered to pay **£40,200.17**^{*1} to the Claimant. If there is any issue with payment then Bidfest Noonan Limited is ordered to pay any unpaid amounts to the Claimant.
3. The Claimant did not fail to mitigate his loss but the loss attributed to the Respondents ceases on 15 April 2019 when the Claimant obtained a job with Amazon.
4. The ACAS code on Disciplinary and Grievance Procedures 2015 does not apply in this case.
5. The Claimant is awarded £2,000 for injury to his feelings following a failure to make reasonable adjustments over 6 weeks in 2017 and £20,000 for his injury to feelings following his dismissal on 1 October 2018. There is no separate award for aggravated or exemplary damages.
6. No award is made for wrongful dismissal or a compensatory award for unfair dismissal as these amounts are compensated as part of the claim for victimisation, to avoid double recovery, and as awards made under this head attract interest.
7. The Recoupment Regulations 1996 do not apply to this award.
8. Interest is awarded at 8% on the awards of injury to feelings from the date of the act of discrimination until the date of the award. Interest is awarded on the compensatory award from the mid point at 8%.
9. The award to the Claimant is calculated as follows:

<u>A Unfair dismissal</u>		£
(i) Basic Award (3x 508)	1524	
(ii) loss of statutory rights	500	
(iii) Compensatory award	0	
Total		2,024
 <u>B Failure to make reasonable adjustments</u>		
Injury to feelings		2,000
Interest form 8/5/17 – 4/2/22@8%		759.67
 <u>C Victimisation</u>		
(i) Injury to feelings		20,000
interest from 1/10/ 18 to 4/02/ 22@8%		5,356.71
(ii) Compensatory award for victimisation		
28 x 449.42	12,583.71	
Add Travel expenses	<u>200</u>	

¹ An email received from the Respondent after judgment was given has not been taken into account. If the Respondent wishes to pursue the point a formal application for reconsideration should be made, so that the Claimant has a chance to make representations.

Less UC received	<u>3912</u>	8,871.71
interest from midpoint (611 days) @8%		<u>1,188.08</u>
<u>Total Award</u>		40,200.17

Employment Judge Spencer
9th February 2022

JUDGMENT SENT TO THE PARTIES ON

.10th Feb 2022.

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FOR THE TRIBUNAL OFFICE

Note

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision