



# EMPLOYMENT TRIBUNALS

**Claimant: Mr S Uddin**

**Respondent: EE Limited**

**Heard at: London South (CVP)**

**On: 28 September 2022**

**Before: (1) Employment Judge A.M.S. Green  
(2) Ms M Hazzard  
(3) Ms C Oldfield**

## **Representation**

Claimant: In person

Respondent: Ms R Kight - Counsel

**JUDGMENT** having been sent to the parties and written reasons having been requested in accordance with Rule 62(3) of the Employment Tribunals Rules of Procedure 2013, the following reasons are provided:

# REASONS

## Introduction

1. For ease of reference we refer to the claimant as Mr Uddin and the respondent as EE.
2. On 4 June 2020 Mr Uddin presented a claim to the Tribunal following a period of early conciliation which started on 14 May 2020 and ended on 4 June 2020. In section 8.1 of his claim form he only ticked the box to show that he was claiming unfair dismissal. However, in section 8.2 of his claim form he indicated that he was claiming discrimination, health and safety and whistleblowing. At a private preliminary hearing on 15 June 2021, Employment Judge Wright noted that it was possible to read into the narrative a claim of detriment following Mr Uddin raising health and safety issues. During that hearing, Mr Uddin told the Tribunal that his claim was connected with the Covid pandemic in March 2020. He had told his regional manager that he was unable to attend work because his wife was vulnerable owing to her suffering from cystic fibrosis. Mr Uddin did not want to risk bringing the

virus back home by going to work. He also told the Tribunal that he had a six month old baby. Mr Uddin was a store manager and he claimed that other store managers were allowed to work from home. He was panicked and believed that he did not have any support from EE and was told to go to work. He was worried about the health conditions of his family. The store where he worked was in Streatham which, at the time, was one of the worst areas for the coronavirus. He says that he was told that if he did not attend work he would not be paid and would face disciplinary action.

3. Employment Judge Wright was prepared to accept that Mr Uddin's claim was under the Employment Rights Act 1996, section 44 (1) (d) ("ERA"). Mr Uddin had insufficient service to bring a claim for unfair dismissal under ERA, section 94. Furthermore, there was insufficient detail to suggest that Mr Uddin was making claims for discrimination and whistleblowing. Consequently, the claim for this Tribunal to determine is limited to ERA, section 44 (1) (d). For the record, Mr Uddin was dismissed for gross misconduct for breaching EE' social media policy. It is not the role of this Tribunal to determine whether that dismissal was unfair.
4. We conducted a remote hearing and worked from a digital bundle. Mr Uddin, Ms Aldona Walczak and Ms Alexandra Goode adopted their witness statements and gave oral evidence. Ms Kight produced a written skeleton argument and she and Mr Uddin made closing oral submissions.
5. Mr Uddin must establish his claim on a balance of probabilities.
6. In reaching our decision, we have carefully considered the oral and documentary evidence. The fact that we have not referred to every document in the bundle should not be taken to mean that we have not considered it.
7. The parties have agreed a list of issues which are as follows.
  - a. What was the detriment that Mr Uddin alleges? Was he subjected to that detriment by EE?
  - b. If he suffered the detriment:
    - i. Were there circumstances of danger which Mr Uddin reasonably believed to be serious and imminent?
    - ii. Could Mr Uddin reasonably have been expected to avert that danger?
    - iii. Did Mr Uddin refuse to return to his place of work, or any dangerous part of his place of work, whilst those circumstances persisted?
  - c. If so, was the detriment suffered by Mr Uddin, on the grounds of the circumstances addressed above?

- d. Was Mr Uddin's conduct such that it would be just and equitable to reduce any compensatory award? If so, by what proportion would be just and equitable to reduce the award?
  - e. To what extent, if any, has Mr Uddin mitigated his losses?
8. On 20 May 2022, EE's solicitor wrote to Mr Uddin asking him to confirm the specific detriment upon which he relies [45]. Mr Uddin replied on 23 May 2022 [45]. He said that his specific detriment was based on the health and safety issue of his family. He says that he raised his concern with his line manager about his family's health conditions making them vulnerable and the elevated risk of catching Covid if he went back to work. He says that EE failed to provide any support towards health and safety and dismissed him. EE's solicitor responded on 1 June 2022. They confirmed their understanding of the detriment being failure to provide any support towards health and safety. Given that the claim was specifically limited to ERA, section 44 and what Employment Judge Wright had said about the claims at the preliminary hearing dismissal was not included. Mr Uddin responded on 1 June 2022 stating that he understood [44].

Findings of fact

9. Having considered the evidence, we make the following findings of fact.
10. The claimant is married and has a family. His wife suffers from cystic fibrosis. At the relevant time, he had six-month-old child and a three year old child with an immunity disorder.
11. EE is a mobile network operator and service provider. It has over 650 retail shops throughout the United Kingdom. Mr Uddin was employed by EE as a store manager based at their Streatham store. His employment commenced on 2 September 2019. He travelled to work by public transport.
12. The relevant employees at EE in respect of this case are:
- a. Ms Aldona Walczak, a regional manager. She was also Mr Uddin's line manager.
  - b. Mr Bradley Condon, a regional manager. Mr Condon conducted Mr Uddin's disciplinary hearing.
  - c. Ms Alexandra Goode, a regional manager. Ms Goode conducted Mr Uddin's appeal hearing.
13. It is a matter of the Tribunal's general knowledge that on 23 March 2020 the Prime Minister announced the first lockdown in the United Kingdom in response to the Covid 19 pandemic. The Prime Minister ordered people to "stay at home."

14. Mr Uddin was extremely concerned about the risks posed by Covid given his wife and his daughter's health conditions. He was waiting for official letters from the NHS to confirm their extreme clinical vulnerability. His family remained at home. He was the only person to leave the house and he did so purely for the purposes of going to the local shops to buy essential items. He believed that remaining at home was the safest thing to do under the circumstances.
15. On 23 March 2020, after a briefing call with the Regional and Store Managers which included Ms Walczak and Mr Uddin, EE decided to close its doors to the general public as a result of Covid 19. At that time the government guidelines were that all non-essential shops needed to be closed. On 24 & 25 March 2020, a briefing call was held with Regional Managers to discuss the plans to close the stores. Mr Uddin did not attend those calls.
16. On 25 March 2020 the Coronavirus Act 2020 received the Royal Assent and came into force on 26 March 2020.
17. Mr Uddin attended a virtual national retail briefing conference call on 26 March 2020. Ms Walczak also attended. The purpose of the meeting was to brief the attendees on new plans to open HUB stores. These would be closed to the public but would have team members working on computers providing customer assistance via chat rooms and telephone calls. The purpose of the call was to enable the store managers to raise questions and discuss any concerns about the plans. Ms Walczak told the Tribunal that during that meeting, EE needed to have a plan to continue to earn money during the lockdown. Not everyone who was employed by the company would be required to attend the HUB stores. Anyone who was employed for less than 30 hours per week would be deployed on e-learning. Employees who worked 30 hours or more would be selected to work in the HUB stores.
18. At 16:56 hours, Mr Uddin sent a WhatsApp message to Ms Walczak [171]. He said:

*I am very honest with u in this first 3 weeks i will strictly follow govt advice i will not risk my family because of company.*

*I am not stepping out untill [sic] it is necessary.*
19. There is no dispute between the parties that between 26 & 30 March 2020 store staff were not working from home. Under cross-examination Mr Uddin accepted that there were no IT resources in place to enable store managers to work from home. He also accepted under cross examination that the HUB stores were to be open for staff to access IT equipment. Mr Uddin told the Tribunal that between 26 & 30 March 2020, he went in one day to wrap up the store and then it was completely shut. He also understood that when HUB stores opened, he would expect hand sanitisers, cleaning materials, facemasks, social distancing and fewer people being in the stores as the precautions to be taken. However, he believed this could not happen because there was a countrywide shortage of hand sanitisers. He spoke to his team

about this and said that EE could not provide hand sanitisers and they would have to buy their own and be reimbursed.

20. On 30 March 2020, Ms Walczak hosted a call with store managers in her reporting line including Mr Uddin. The call took place between 09:00 hours to 09:45 hours. During that call, more information was provided concerning the HUB stores that would be opened in the region and Ms Walczak provided information for supporting employees with the changes. Ms Walczak said that she knew which stores had been selected to operate as HUB stores. In her witness statement Ms Walczak states that Mr Uddin was unhappy about the plans to open HUB stores as he believed they would be unsafe. She says that Mr Uddin told her that he would speak to his own team members to tell them to refuse to attend. She goes on to say that she would raise his concerns with HR and those more senior to her and she would discuss further measures to ensure that everyone would be safe. She says that Mr Uddin was dissatisfied with this and started encouraging his colleagues on the call to refuse to work in the HUB stores and stated that they would be entitled to 80% furlough under the government scheme. Ms Walczak states that Mr Uddin was very disruptive during the call. She also states that at that time, she did not know about any furlough scheme for EE employees. She believed there was no obligation to place them on furlough. She also states that during the call, Mr Uddin encouraged his colleagues to reach out to their MPs to dispute the opening of the HUB stores. She told Mr Uddin that they would catch up separately to talk about his concerns and what she could do, as his manager, to help him. Under cross examination, Mr Uddin accepted that Ms Walczak listened to his concerns during the call and tried to reassure him about safety precautions that would be in place before going to the HUB store. He also accepted that plans for the HUB stores were being prepared and that stricter social distancing would apply. He also accepted that masks, hand sanitisers and cleaning products would be provided.

21. During the conference call, Mr Uddin sent a WhatsApp message to Ms Walczak at 09:14 hours [172]. He said:

*Sorry i m not taking any risk I have little kids and one is six months old also wife have conditions so its No from me.*

22. At 10:41 hours on 30 March 2020, Mr Uddin forwarded a message on WhatsApp to Ms Walczak which was a link to an article in the Northern Echo under which staff working at the EE call centre in Darlington were pleading for help [172]. He sent another two messages at 10:41 hours indicating that more of this would be coming soon and he would be calling the government for clarification [172]. Ms Walczak replied at 11:54 hours saying: "I'm jumping on another c. Call you after" [172].

23. Ms Walczak and Mr Uddin had a call on 30 March 2020 at about 13:00 hours. The call lasted for approximately 30 minutes. Under cross-examination, Ms Walczak stated that Mr Uddin spoke most of the time and she listened to his concerns particularly regarding his wife's cystic fibrosis and his three year old child's condition. Mr Uddin was unwilling to go into work because he feared

that he could catch Covid and pass it on to his wife and child. He asked for support. Under cross-examination Ms Walczak agreed that Mr Uddin was entitled to support like any other employee. She offered to call HR to discuss his concerns. She then agreed to come back to Mr Uddin with appropriate steps or a course of action to provide him support. She said, under cross-examination “we had others in the same situation.” She also said everyone was vulnerable. However, during the conversation Mr Uddin became agitated. She described the conversation as a one-way call because Mr Uddin was struggling to listen to her and she was trying to calm him down. She explained that she had another call scheduled later in the day with HR and regional managers where she would raise Mr Uddin’s concerns. Notwithstanding this, Mr Uddin was unhappy about coming into work and would take matters further and deal with it in his own way and he confirmed that he had already spoken to his team and had encouraged them to write to their MPs and to go to the press. Ms Walczak told him to hold on. Ms Walczak told the Tribunal, on being asked whether she considered the potential arrangements to be dangerous to Mr Uddin, that she was not clear on policy if EE had anyone at home who was vulnerable as there were no NHS letters at that time. She said that she took Covid seriously and that if Mr Uddin needed help and support, she would find answers for him. She appreciated that he was worried about his wife and child.

24. There is disputed evidence as to whether Ms Walczak threatened Mr Uddin with disciplinary action or withholding pay if he refused to come into the store to work. In her witness statement Ms Walczak denies this threat. However, she also goes on to say, “at most, I may have suggested but I do not recall actually saying that.” Mr Uddin says that she made those threats, and by implication, because he was the sole breadwinner in his household, he could not afford to stay at home and would have no option but to go into the store. Under cross-examination Ms Walczak denied making the threats. She said that at the time she did not know what it meant if someone refused to work because “it was all new to us” (i.e. the impact of the lockdown). She went on to say that when the conversation started, EE did not have answers to this. We believe that it is more probable than not that Ms Walczak was speculating about matters and she said that one outcome for not coming into the store was that Mr Uddin might not get paid or he could be subject to disciplinary action. However, at its highest, we think it was no more than speculation arising from the fact that the lockdown situation was unprecedented and EE were dealing with an unfamiliar state of affairs and were having to react rapidly because of that.
25. We accept that during the call at 13:00 hours, Ms Walczak offered to support Mr Uddin by telephoning HR and to get back to him. However, this was part of a planned general conversation and not specifically arranged to deal solely with Mr Uddin’s concerns. It was part of a weekly call that took place which had been scheduled later the same day. However, Ms Walczak told the Tribunal that she did not discuss Mr Uddin’s concerns or any specific measures that could be taken to allay those concerns during that call because of the social media issues that arose from postings that Mr Uddin made

during the day. In fact, Ms Walczak cancelled the call because she needed to speak to Mr Uddin about the social media issues.

26. Mr Uddin forwarded another WhatsApp message with a link to an article concerning airborne precautions in relation to Covid at 15:37 hours [172]. Ms Walczak replied at 16:56 hours asking Mr Uddin to make sure that he joined the conference call at 5 PM [172]. The call was scheduled to discuss his social media posts.
27. On 30 March 2020, various regional managers contacted Ms Walczak asking her if she had seen Mr Uddin's social media posts particularly on Twitter. She was then contacted by Employee Relations ("ER") who had seen posts having been notified by the EE social media team. Screenshots of these posts were included in the bundle [126 to 129]. In one of those postings, Mr Uddin made it clear on his social media profile that he was an EE manager. The Twitter posts were directed to the BBC, the Telegraph, the Daily Mail and the Guardian. The gist of the posts was that EE were requiring their staff to go back into their stores notwithstanding the risk of catching Covid and passing it on to others.
28. ER instructed Ms Walczak to investigate Mr Uddin's social media activity as it appeared to breach the EE social media policy. She organised a call with him on 30 March 2020. Having completed the meeting, she considered that there was sufficient evidence that Mr Uddin had breached the social media policy and he should be subject to disciplinary proceedings. She suspended Mr Uddin on full pay whilst disciplinary action proceeded. This was confirmed in a letter dated 1 April 2020 [135]. Mr Condon conducted a disciplinary hearing on 13 April 2020 [142]. The hearing was adjourned and reconvened on 14 April 2020 [148]. Mr Uddin was summarily dismissed for gross misconduct for breaching the social media policy. There is no dispute that Mr Uddin breached the social media policy. In mitigation, he accepted that he had made a mistake and had panicked at the time because of his fear concerning Covid. Mr Uddin appealed the decision [163]. Ms Goode conducted the appeal hearing on 6 May 2020. She dismissed his appeal and notified him of that fact on 12 May 2020 [184].
29. In her oral evidence, Ms Goode told the Tribunal that she accepted that Mr Uddin had vulnerable family members although he had not provided proof of vulnerability. Although there was disputed evidence about what medical information had been provided to her as part of the appeal, we accept that she understood that Mr Uddin's wife and daughter were clinically vulnerable.
30. During the disciplinary process, Mr Uddin remained suspended. He never returned to the store. He was asked whether he would have returned to the store, had he been able to, if he was confident about the safeguarding measures in place. He replied that if safeguarding measures were in place he would have returned to work. However, he was living in a pandemic situation with a baby and a wife with cystic fibrosis and he was extremely anxious. He told the Tribunal that he had been affected emotionally by what had happened and had felt suicidal. He believed that he had been treated harshly. He is

currently working as a taxi driver. He cannot get a job in the industry where he had many years of experience because he had been sacked for sending Twitter messages. All he wanted EE to do at the time was to support him.

31. Ms Walczak told the Tribunal that there was a rolling programme of opening the HUB stores. She could not remember exactly when the Streatham HUB store opened but she thought it would have been about 10 or 14 days after the time when the announcement was made to the staff [i.e. in Mid-April 2020].

The applicable law

32. ERA, section 44(1)(d) provides:

*An employee has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that—*

*in circumstances of danger which the employee reasonably believed to be serious and imminent and which he could not reasonably have been expected to avert, he left (or proposed to leave) or (while the danger persisted) refused to return to his place of work or his place of work;*

33. The worker's belief must be both genuine and reasonable. If they cannot reasonably avert the danger, then they are entitled to get out of harm's way. The employer must not subject them to any detriment for leaving the area of danger or for proposing to leave it or for refusing to return to work while the danger lasted. The implication is that if the worker could reasonably have averted the danger, then they should have done so. The word 'danger' is here used without any limitation. It is not, therefore, restricted to danger which arises from the circumstances of the workplace itself.

34. It must be shown that the employee has suffered some 'detriment'. The word is not defined. It is a word of wide import. An employee is subjected to a detriment if they are put at a disadvantage. To test whether there is a disadvantage, a comparison may be made with, to use the jargon of the law of discrimination, either an actual comparator or a hypothetical comparator. That is to say, you consider, on the one hand, the complainant employee in their actual condition (being a health and safety representative, or a pension trustee, or as the case may be) and, on the other, either a fellow employee whose case is comparable save that the relevant condition does not apply to them (an actual comparator) or the imagined case of the employee themselves on the supposition that the relevant condition was not present (the hypothetical comparator). If the employee in their actual condition is worse off than would otherwise be the case, then they are at a disadvantage and have suffered a detriment for present purposes.

35. In **Jesudason v Alder Hay Children's NHS Foundation Trust [2020] EWCA Civ 73**, the Court of Appeal accepted that the discrimination precedents are applicable and in particular applied two further general



principles: (1) 'detriment' is to be given a wide interpretation; and (2) it is to be considered subjectively in relation to the particular claimant, so that there is a detriment 'if a reasonable employee might consider the relevant treatment to constitute a detriment'. Both of these principles were followed and applied by the EAT in **Edinburgh Mela Ltd v Purnell [2021] IRLR 874** where being referred to the police for suspected fraud during a bitter dispute with the company board and then subjected to a long and stressful investigation before no action was taken was held to qualify.

36. Detriment would obviously include any financial or economic disadvantage, such as paying the employee less or requiring him or her to work harder or longer for the money, save that a trivial disadvantage might be dismissed as being de minimis.
37. However it is not necessary for the employee to actually suffer some form of economic or physical damage in order to establish a detriment. Again on the analogy with discrimination law, the test is rather whether a reasonable worker would or might take the view that the treatment accorded to them had in all the circumstances been to their detriment (**Shamoon v Chief Constable of the Royal Ulster Constabulary [2003] UKHL 11**).
38. It must be shown not merely that the employee has suffered some detriment, but that the detriment was caused by some act or deliberate failure to act on the part of the employer.
39. That a failure to act must be 'deliberate' implies that the complainant has to show that a conscious decision was made by the relevant manager or supervisor that no action should be taken. Pragmatically, however, something less may suffice. For present purposes it is enacted that a prima facie case of deliberate failure to act can be made out by demonstrating that the employer did some other, inconsistent act. Alternatively, if the employer did nothing at all, then he is prima facie deemed to have decided by the time at which he ought reasonably to have decided.
40. If a claim is well founded the Tribunal must make a declaration and may make an award of such an amount as it considers is just and equitable having regard to:
  - a. the infringement to which the complaint relates;
  - b. any loss which is attributable to the act, or failure to act, which infringed the claimant's right.
41. The award may also include compensation for injury to feelings, though this has been queried in obiter remarks by Singh LJ in **Gomes v Higher Level Care Ltd [2018] EWCA Civ 418**, where a worker brought the claim under ERA, sections 45A, 47B or 47D and the detriment is termination of the contract, which is akin to a claim for unfair dismissal of an employee, it is arguable that injury to feelings may be awarded, but only up to the amount of a basic award

42. The Tribunal may reduce the amount of any award by so much as appears just and equitable in the event that it finds that the claimant has caused or contributed to the act or omission of the employer.
43. In all cases of statutory unlawful detriment the claimant is under the same duty to mitigate his loss as applies at common law.

Discussion and conclusions

44. Mr Uddin alleges that the detriment he suffered was EE's failure provide any support towards health and safety. He was concerned that if he were required to work in the Streatham HUB store, he would be placed at risk of catching Covid which he could pass on to his wife and three year-old daughter who were both clinically extremely vulnerable. Supporting him in this regard in practical terms would have meant not requiring him to work at the HUB store and allowing him to work from home. We are satisfied that he did suffer this detriment. Whilst we accept that he should not have engaged in social media activity and should have waited until Ms Walczak responded to him, as she promised to do so, during the call on 30 March 2020, the inescapable conclusion that we reach is that Ms Walczak did not deliver on her promise. She was supposed to speak to management later the same day on her scheduled weekly conference call. She was supposed to raise Mr Uddin's concerns about health and safety and the issue of working in the HUB store. She did not do that. Indeed, she cancelled the call. Instead, she was deployed to investigate Mr Uddin's social media activity which is what she did. This led to her suspending him and recommending disciplinary action. Thereafter, the matter proceeded to a disciplinary hearing resulting in his summary dismissal for gross misconduct. Ultimately, that decision stood given Mr Uddin's unsuccessful appeal. Whilst we accept that during the disciplinary process, mitigating circumstances were raised and considered including Mr Uddin's health and safety concerns for his family, these have to be understood as forming part of a completely separate process, namely, disciplinary action. Nobody appeared to have reverted to Mr Uddin about his concerns regarding working in the HUB store. They were superseded. He was placed at a disadvantage because of this as he was effectively placed in limbo compared to other employees.
45. There were clearly circumstances of danger which Mr Uddin reasonably believed to be serious and imminent. The United Kingdom was in the grips of an unprecedented global pandemic which resulted in the entire country being placed into lockdown on 23 March 2020. The government guidelines were that people should stay at home. This was very serious given the nature of the disease and the levels of fatalities. It was also very serious in terms of the impact on the United Kingdom's economy. Furthermore, the gravity of the situation was imminent otherwise there would have been no need to impose the Draconian measures of lockdown, restrictions on movement and other liberties which were enforced by the criminal law.

46. Mr Uddin could not reasonably avert the danger and was entitled to get out of harm's way. This was sound judgment and logical. The danger which he faced was the risk of contracting Covid if he went to work in the HUB store. In his case, the danger was exacerbated because of the fact that he had two family members who were clinically extremely vulnerable. Understandably, he wanted to protect them from catching Covid. He was promised support by Ms Walczak which was intended to address his particular circumstances. He was not simply just another employee at risk. Unfortunately, Ms Walczak was diverted into investigating the social media issue and the separate question of addressing his concerns essentially went into abeyance. Mr Uddin was also justifiably concerned about whether adequate precautions could, in practice, be taken given that it was common knowledge at the time that there was a shortage items such as hand sanitiser and facemasks and other PPE. The fact that it was suggested that employees should purchase their own hand sanitiser and seek reimbursement does, in our opinion, reflect the reality of the situation at the time. We are mindful that we have to consider the situation as it existed on 26 March and 30 March 2020 which was the point in time when Mr Uddin decided that he had no alternative but to refuse to go into the Streatham store. This is not to be conflated with an exercise of hindsight about what actually happened with the Streatham HUB store and whether it was Covid secure. We also accept that Streatham was a part of London that had been particularly badly hit by Covid and this was another relevant and reasonable factor in Mr Uddin's decision-making.
47. Because of these risks, Mr Uddin refused to return to his place of work whilst those circumstances persisted. We are satisfied that he was a credible witness particularly when he said that if adequate safety precautions had been implemented to address his concerns, he would have returned to work. However, he was denied that opportunity because he was suspended throughout the disciplinary process.
48. On the question of contributory conduct, we have been very careful in our deliberation to avoid conflating Mr Uddin's behaviour regarding his social media activity and his behaviour in refusing to go to the Streatham HUB. It would be tempting to impugn his conduct when he engaged in his Twitter and WhatsApp activity in terms of any consideration of compensation for detriment. It would be wrong to do that because this relates to the question of the unfairness of his dismissal which is not for this Tribunal to determine. It would also be tempting to impugn his conduct in not waiting for Ms Walczak to come back to him on the question of his concerns and what support could be provided to him. She did not revert to him as promised for the reasons that we have given above. It is one thing to make promise and another thing to carry it out. Consequently, we do not think that it would be just and equitable to reduce any award of compensation for contributory conduct. The question of mitigation of loss does not, in our opinion, arise. The period of loss is tied to the period of his detriment which ended on 14 April 2020 when his employment ended. He was paid throughout that period. He has not suffered any financial loss. Consequently the question of mitigation does not arise.

49. In conclusion, the claim for detriment under ERA, section 44 (1) (d) is well-founded and we make a declaration to that effect.

50. It is open to the Tribunal to make an award of compensation for injury to feelings. We have decided that such an award should be made at the lower end of the lower scale of the Vento bands and have decided to award Mr Uddin £1500. Whilst we accept that he found this episode upsetting and claimed to have suicidal ideation, we have seen no supporting medical or psychiatric evidence about his state of mind. In the absence of compelling supporting medical evidence, we are constrained in what we believe is an appropriate award of compensation on the evidence before us. Mr Uddin is entitled to interest on his award of compensation for injury to feelings. Interest is awarded from the date of the detriment complained of until the date on which the Tribunal calculates compensation. The start date is 30 March 2020 and the end date is 28 September 2022. This is 912 days. The rate of interest is 8%. Interest is calculated as follows:  $912 \times 0.08 \times 1/365 \times 1500 = £299.83$ . The total award is £1,799.83.

Employment Judge Green  
Date 30 September 2022