



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms R Tabuko

**Respondent:** CIS Security Limited

**Held at:** Croydon Employment Tribunal

**On:** 2 and 3 February  
2023

**Before:** Employment Judge Barker  
Mr R Singh  
Mrs A Williams

**Representation:**

Claimant: Mr Adamou, counsel

Respondent: Mr Harris, counsel

## REMEDY JUDGMENT

**The unanimous judgment of the Tribunal is that the respondent is to pay to the claimant the sum of £59,566.25, comprised as follows:**

- a. The claimant is entitled to be paid compensation for discrimination and unfair dismissal as follows:
  - i. A basic award of £2,286;
  - ii. A compensatory award calculated as follows and is not subject to the statutory cap for unfair dismissal compensation, as the dismissal was as a result of discrimination contrary to s13 and s26 Equality Act 2010:
    1. Losses from the date of termination, that is, 21 March 2019, to the date of calculation, a period of 202 weeks a net weekly wage of £461.66, a total of £93,255.32, less mitigation of £72,683.15, which includes Universal Credit), giving total losses of £20,567.25; and

2. Interest on the losses of £20,567.25 at the rate of 8% from the mid-point of the period of loss to 31 August 2022 (31 August 2022 being a reasonable mid-point between the first listed remedy hearing in these proceedings of 11 March 2022 and today's date), a period of 673.5 days, being £3,036;
  3. No award is made for future loss of earnings.
  4. The claimant was dismissed without payment of notice monies, however her notice pay is accounted for in the sums above for financial loss and will not be awarded separately.
  5. The Tribunal declined to make an award for failure to follow the ACAS Code of Practice in connection with the claimant's grievance. No findings on this issue were made at the liability hearing and no evidence was adduced to determine this issue at the remedy hearing.
  6. The total award for financial losses for unfair and discriminatory dismissal is £25,889.25. This award is taxable as it is for termination arising from discrimination (s401 Income Tax Earnings and Pensions Act 2003.).
- iii. The claimant is awarded injury to feelings and personal injury as follows:
1. For injury to feelings as a result of direct sex and direct race discrimination and sexual and racial harassment of £10,000;
  2. An award for personal injury caused by the discrimination of £16,000
  3. Interest on the awards for injury to feelings and personal injury, plus interest of 8% calculated from the date of the discriminatory act (24 December 2018) to 31 August 2022 (31 August 2022 being a reasonable mid-point between the first listed remedy hearing in these proceedings of 11 March 2022 and today's date), which is 1347 days, which interest amounts to £7677.
  4. The total award for injury to feelings, personal injury and interest thereon is £33,677.
  5. Awards for psychiatric injury are not taxable. The injury to feelings award did not arise in connection with the claimant's dismissal and therefore is not taxable.

- e. All of the sums above that are taxable do not exceed £30,000 and therefore do not need to be grossed up at the marginal rate of tax of 20%.

**The Recoupment Regulations do not apply to this judgment and award of compensation. This is a correction to the Tribunal's oral judgment, which noted that the Recoupment Regulations do apply.**

**Employment Judge Barker**

**3 February 2023**