



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms A Rdesinska

**Respondent:** Best Sub Limited

**Heard at:** Southampton (by CVP) **On:** 2 November 2023

**Before:** Employment Judge Le Grys

## Appearances

For the Claimant: Ms D. Janusz, employment advisor

For the Respondent: Did not attend and was not represented

# JUDGMENT

## Employment Tribunals Rules of Procedure 2013 – Rule 21

1. The claim was issued in the Bristol Employment Tribunals on 6 May 2023. The Respondent has failed to present a valid response on time. The Employment Judge has decided that a determination can properly be made of the claim in accordance with rule 21 of the Rules of Procedure.
2. The Claimant's claim for direct race discrimination is well founded. The Respondent discriminated against the Claimant on the ground of race, including by way of a discriminatory dismissal.
3. The Claimant's claims for accrued but unpaid holiday pay, and for breach of contract relating to notice pay, are well founded.
4. The Respondent is ordered to pay the Claimant the sum of **£23,871.79**. There is a minor variation in the final total compared to the figure given in the hearing due to an error in the calculation. It is comprised of the following:
  - (1) Past loss of earnings of **£3,181.91**;
  - (2) Interest on past loss of earnings from 27 February 2023 until 2 November 2023 at 8%, totalling **£173.65**;

- (3) Compensation for injury to feelings of £15,000 + 25% uplift for a failure to comply with the ACAS code relating to disciplinary matters, totalling **£18,750**;
- (4) Interest on the award for injury to feelings from 1 January 2023 until 2 November 2023 at 8%, totalling **£1,253.42**;
- (5) Compensation for accrued but unpaid holiday leave totalling **£247.38** (gross);
- (6) Compensation for breach of contract in respect of 1 week's notice pay totalling **£265.43** (gross).

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Employment Judge Le Gry  
Date: 2 November 2023

Judgment sent to the parties on 23 November 2023

For the Tribunal Office

**Notes**

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.