



EMPLOYMENT TRIBUNALS

SITTING AT: LONDON CENTRAL

BEFORE: EMPLOYMENT JUDGE F SPENCER

BETWEEN: MR R SODANO CLAIMANT

AND

ENSEMBLE SOFTWARE (UK) LIMITED RESPONDENT

ON: 22 January 2023

Appearances

For the Claimant: Mr Uduje, counsel

For the Respondent: No attendance, No Response

REMEDY JUDGMENT

Following the Judgment as to liability sent to the parties on 18 December 2023 the Judgment of the Tribunal is that:

- (i) Absent the unlawful discrimination there is a 40% chance that the Claimant would have been dismissed in any event.
- (ii) The Claimant's claim for financial loss is reduced by 40%.
- (iii) There is no failure by the Claimant to mitigate his loss.
- (iv) The Claimant has not yet found a job. Loss is awarded at 60% from the date of dismissal to 4th July 2024.
- (v) The Tribunal makes an award for injury to feelings of £11,000 plus interest at 8% of £485. No additional award is made for personal injury.

(vi) The Tribunal awards financial loss of £ 38,075.4 to include interest at 8% from the mid point calculated as follows:

a. Net annual loss-	£58,349.40
b. Pension loss	£2,550
c. Health insurance	<u>£1,200</u>
	£62,099.4
Less 40%	£37,259.4
Add interest	<u>£ 816</u>
	£38,075.4

(vii) Pursuant to section 207A of the Trade Union and Labour Relations (Consolidation) Act 1992 the total award is increased by 10% for failures to follow the ACAS Code of Practice on Disciplinary and Grievance Procedures.

(viii) The Respondent is ordered to pay the Claimant a total of **£61,147.70** calculated as follows:

(ix)

a. Net financial loss including interest	£38,075.4
b. Injury to feelings award including interest	<u>£11,485</u>
	£49,560
c. ACAS uplift	<u>£ 4,956</u>
	£54,516.70
d. Grossing up	<u>£ 6,631</u>
e. <u>TOTAL TO PAY</u>	£61,147.7

Employment Judge Spencer
22 January 2024

JUDGMENT SENT TO THE PARTIES ON
23/01/2024

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.