



EMPLOYMENT TRIBUNALS

Claimant: C

Respondents: R1
R2
R3
R4

Heard at: Cardiff

On: 6, 7, 8, 9 November 2023 and in chambers on 29 November 2023

Before: Employment Judge S Moore
Mrs J Beard
Mrs M Walters

Representation

Claimant: Mr C Howells, Counsel
Respondents: Mrs Younis, Solicitor

RESERVED JUDGMENT ON REMEDY

The unanimous judgment of the Tribunal is as follows:

1. The complaints of being subjected to detriments for making protected disclosures and victimisation detriments were upheld. The first, second, third and fourth Respondent are jointly and severally ordered to pay the Claimant the sum of £3,000 injury to feelings and £585.21 interest in respect of the complaints listed at paragraphs 15 (a) – (i) below.
2. The complaint of unfair dismissal contrary to section 103A Employment Rights Act 1996 was upheld. The first Respondent is ordered to pay the Claimant the following sums:
 - a) Basic award – £429.30.

- b) Loss of Statutory Rights - £500.00
3. The complaints of harassment related to sexual orientation, race, disability, gender reassignment and sexual harassment were upheld. The first and fourth Respondent are jointly and severally ordered to pay the Claimant the sum of £12,000 injury to feelings and £2,956.27 interest.
4. The complaints of being subjected to detriments for making protected disclosures and victimisation detriments at paragraphs 16 (a), 16 (b), 17 (a) and 17 (b) below were upheld. The first, second and third Respondent are jointly and severally ordered to pay the Claimant the following:
 - a) Compensation, which is awarded under section 124 (2) (b) Equality Act 2010 as follows:
 - b) For pecuniary loss the sum of £26,451.03 plus interest on past loss in the sum of £1982.11 and;
 - c) The sums of £20,000 for injury to feelings and £10,000 for aggravated damages plus interest in the sum of £6,437.26.
5. In respect of tax payable on the award ('grossing up'), the sum of £14,359.93.
6. When the proceedings were begun the First Respondent was in breach of its duty to provide the Claimant with a written statement of employment particulars. The first Respondent is ordered to pay the claimant the sum of two week's pay in the sum of £858.60.

REASONS

Background and Introduction

1. There are anonymisation orders and restricted reporting orders in place in respect of all parties and two other individuals (Person A and Person B). A separate remedy judgment has been issued in respect of the second Claimant, who is referred to as D.
2. On 11 October 2023 the responses for all Respondents were struck out by Judge Ryan. The hearing had due to be heard over 8 days but as a result of the responses being struck out, the hearing was reduced to 4 days. The Respondents were permitted to cross examine the Claimants on remedy and adduced one witness statement for R2 but he was not called to give oral evidence. None of the other Respondents submitted witness statements in respect of remedy.
3. At the outset of the hearing the Respondents' representative confirmed she remained instructed for all Respondents.

4. The claim was heard at Cardiff Tribunal on 6, 7, 8, 9 November 2023. Oral judgment on liability was given on 9 November 2023. A written record of the judgment was promulgated on 14 November 2023. Remedy was reserved. The Tribunal sat on 29 November 2023 to reach their decision on remedy.
5. There has been no request for written reasons for the liability judgment. Where it is necessary to recount liability findings to make sense of remedy findings these are set out below.

Admission of ACAS communications

6. The Tribunal identified as a preliminary issue that ACAS communications were included in the bundle and referenced in the Claimant's witness statement both of which had been prepared by the Claimant's solicitor following the multiple failings of the Respondents (as recorded in Judge Ryan's strike out judgment) in regards to disclosure and agreeing a bundle. These were emails between the Claimant and the ACAS conciliator dated 23 July 2021, 27 July 2021 and 28 July 2021.
7. The Tribunal heard from both representatives and adjourned to consider whether to admit the documents.
8. The Claimant's position was that the ACAS communications should be admitted as they were a cloak for 'unambiguous impropriety'. Exclusion of the ACAS documents would exclude evidence of the alleged detriments and victimisation.
9. The Respondents' representative objected but did not make any supporting submissions other than the general principle is that ACAS communications are confidential.
10. We had regard to the authorities of **BNP Paribas v Mezzotero [2004] IRLR 508** and **Woodward v Santander UK plc [2010] IRLR 834**. The degree of seriousness of abuse of the privilege must be very high.
11. Applying the guidance in **Woodward** we concluded there was evidence that required determination of whether there had been serious abuse of the ACAS confidential procedure that warranted the admission of the documents as evidence.

Rule 50 orders

12. The Tribunal raised of their own volition that the Claimant's complaints included allegations concerning a potentially vulnerable person and the allegedly inappropriate and abusive relationship between that person and R4. There were also allegations regarding comments made in the work place about a sexual relationship and sex acts at work involving an individual who was not a party to these proceedings. On 6 November 2023 the Tribunal issued anonymisation and restricted reporting orders in respect of these persons who shall be referred to as Person A and Person

B in these proceedings.

13. There had been no previous applications by either party for any other Rule 50 orders.
14. The Respondents have appealed Judge Ryan's decision to strike out the responses. The timing of the appeal was after the Tribunal met in chambers and reached their remedy decision. As there was no request for written reasons of the liability judgment, given the content of the remedy judgment, the appeal gave rise to the Tribunal further considering whether Rule 50 orders should be extended to all parties. The parties were provided with the opportunity to make representations on whether there should be further privacy orders. On 5 February 2023 the Tribunal made further anonymisation and restricted reporting orders in respect of all of the parties.

LIST OF COMPLAINTS UPHELD

15. PID detriments (s.47B ERA 1996) and s27 EQA detriments

The following complaints were upheld against R1, R2, R3 and R4

- a. On June 13th, 2021 the following preparatory steps were taken to remove the Claimant from the business;
- b. The Claimant was removed from the 'Manager Sync Document' folder and that the user (R4) had been responsible;
- c. The Claimant was removed as the Administrator of R1's Facebook page;
- d. The Claimant was removed from the staff WhatsApp group. The message read that R2 had removed the Claimant;
- e. The Claimant was removed from the Managers WhatsApp group;
- f. The Claimant was removed from the staff rota;
- g. On June 17th, 2021 the Claimant's job was advertised before he had been notified of his dismissal;
- h. The Claimant was subjected to disciplinary action;
- i. The Claimant was denied a fair disciplinary hearing;

16. The following complaints were upheld against R1, R2 and R3

- a. R2 and R3 laughed at the Claimant during the disciplinary hearing when he tried to explain why he was not guilty of the allegations;
- b. The Claimant was dismissed (June 22nd, 2021) (this claim was advanced against R2 and R3, but in respect of which R1 is vicariously liable).

17. The following complaints are upheld against R1, R2 and R3:

The Claimant suffered post-termination detriments and acts of victimisation, namely:

- a. On 8 July 2021 R3 maliciously reported the Claimant to the Police for theft of a pizza and three dips.

- b. On 11 April 2022 R2 maliciously submitted an online complaint to the Police alleging that the Claimant had encouraged Person A to enter prostitution.

Harassment (s26 EQA 2010)

All of the harassment complaints were upheld against R1 and R4 as follows:

18. Sexual Harassment

- a. R4 persistently referred to the Claimant as “Sexy Legs”;
- b. Towards the end of 2020, the Claimant sent a picture to R4 on Snapchat of some LED lights which he had purchased and placed around his television. The picture sent by the Claimant inadvertently included a small proportion of his legs. R4 responded to that message stating that he was lonely at home because his wife was away and wished those sexy legs were lay next to [him] with an emoji blowing a kiss.
- c. On a number of occasions, R4 sent images to the Claimant via Snapchat which showed him in the bath while watching the live CCTV footage of the store and therefore live footage of the Claimant and his colleagues whilst they were working. R4 would also make other comments that indicated he was frequently watching the staff whilst he was not in work.
- d. On one occasion, the Claimant was asked by R4 to assist with a problem that he and R2 were attempting to fix in the facilities. Upon entering the room, R4 asked the Claimant if he would like to “have a threesome” with them.
- e. R4 would routinely advise members of staff that he was engaged in a sexual relationship with Person B and gave graphic details of sexual acts between them in the office.
- f. On one occasion, during the early part of 2021, R4 in discussion with the Claimant, also stated that he could not wait to get home from work because he needed to masturbate.
- g. In/around March/April 2021, R4 removed his clothing whilst in the presence of the Claimant without warning, causing the Claimant to immediately leave the room.

19. Harassment related to sexual orientation

- a. In or around the Summer/Autumn of 2020 R4 told the Claimant and other members of staff that he was cutting someone out of his life because that individual was gay.
- b. On 25 January 2021, following the incident in which a violent member of the public entered the outlet, R4 told the Claimant that he had reacted like a “pussy” and a “wimp”;
- c. R4 would routinely make homophobic comments and do an impersonation of a gay colleague by loosening his wrists and speaking in a very high pitched tone. He also often expressed extreme dislike for this colleague stating that he was “gay in his face” and advised the Claimant he did not wish to undertake any work at the store while this colleague was working as he “couldn’t stand being around him”.
- d. In or around February 2021, R4 told the Claimant that he was surprised to find that he got on with a new member of staff because they were gay and

expressed surprise that the person was nice and did not “behave or sound like a gay person”.

20. Harassment related to race / national origin

In relation to a Romanian colleague who commenced employment with R1 in or around October 2020, R4 would typically refer to him as the “Romanian Cunt” or the “Romanian Bastard” and would request, where possible, that the Claimant did not rota him and the Romanian colleague on the same shift.

21. Harassment relating to gender reassignment

When referring to a former colleague, who was born female but had explicitly advised that he identified as male, R4 would use the female name assigned at birth and not the male name as requested. During the course of this person’s employment R4 customarily referred to this person as “the heshe” and would ask colleagues what genitalia they thought this person had. R4 also requested the Claimant, where possible, not to rota himself and this person to work the same shifts.

22. Harassment relating to disability

On 24 May 2021, R4 advised the Claimant that he no longer wished for him to recruit individuals who had mental health problems and referred to the store as a “mental health boys club”.

Findings of fact – relevant to remedy

23. The Claimant was employed between 6 March 2020 until 22 June 2021. His age at the date of dismissal was 24.
24. The Claimant has Generalised Anxiety Disorder diagnosed by a specialist doctor in September 2019. Until the Claimant’s dismissal this condition was managed with medication.
25. His hours of work whilst employed by R1, not including overtime, were 45 hours per week. His gross weekly pay was £429.30 and his net weekly pay was £340.17. R1 failed to disclose the pension scheme documents to the Claimant. It is assumed R1 operated a nest type pension as is typical in the sector and employer contributions are found therefore to have been 3%. The Claimant was entitled to food up to the value of £18 per shift worked, namely 5 shifts per week.
26. The Claimant was entitled to 12 weeks notice but was only paid two weeks notice upon his dismissal.
27. Following his dismissal the Claimant’s mental health took a turn for the worse and he was prescribed sleeping tablets by his GP.
28. After the Claimant’s dismissal he was unemployed between 22 June 2021 until 12 July 2022. He commenced employment on this date with Smyths

Toy Shop. The net weekly pay was £183.00. The Claimant did not stay long in this job as it was a temporary contract and he had been applying for other retail roles. He secured a permanent job at Asda on a net weekly wage of £187.20. He commenced at Asda on 5 August 2021 but as of 3 December 2021 his mental health deteriorated, and he was signed off sick until 5 February 2022 and was paid SSP at £96.35. He then returned to work on a phased return and stayed at Asda between 5 February 2022 until 2 March 2022 where he earned a net weekly wage of £112.32 for that period.

29. On 21 February 2022 the Claimant secured new employment working from home with a PR agency, as an administration assistant. The Claimant was not an employee but a self employed contractor and received no pension. Initially he earned £281.00 net per week until 18 August 2022. His hours then increased from 19 August 2022 – 15 November 2022 so he was earning £319.00 for 12 weeks. Then from 16 November 2022 until 12 October 2023 he received net weekly pay in excess of his weekly earnings with the first Respondent.
30. From 12 October 2023 the Claimant was made redundant from the role at the PR agency. Since then and as at the Tribunal hearing the Claimant had applied for nine jobs, mostly retail as well as one Teaching Assistant role but to date has not been successful. At the time the Claimant was made redundant many retail employers had filled their Christmas seasonal vacancies and they will not be recruiting in the new year and if they do, the Claimant will be in competition from the staff who had temporary work. The Claimant has a degree in education but in his second year of University decided this was not the career he wanted. Nonetheless he has applied to a TA vacancy but not been successful.
31. The Claimant is not in receipt of any benefits.
32. Approximately two months before the Claimant began work for the first Respondent he was enrolled as a special constable. He began training on 18 October 2021. The Claimant has had a life long dream to become a police officer and intended to apply at the next round of recruitment by South Wales police. He was unable to do so because he had been suspended pending an investigation into the complaints made by R2 and R3. We return to this below.

Findings in respect of injury to feelings – harassment claims

33. The Claimant was personally made to feel very uncomfortable on a significant number of occasions by R4 due to comments he made both to the Claimant and to his colleagues. The Claimant found these comments to be totally inappropriate and they caused him significant feelings of discomfort and unease.
34. Regarding the “sexy legs” comments the Claimant did not know if R4 was joking but at the time and for some time after, the message made him feel very uncomfortable.

35. Regarding R4 discussing sexual activity with a colleague in the office, the Claimant found this to be completely unnecessary and utterly revolting.
36. Regarding the masturbation comment, this made the Claimant feel really awkward.
37. The Claimant found R4 was hugely prejudiced against people who were homosexual and against members of the trans community. The Claimant found these comments particularly offensive and could not believe that R4 thought it was appropriate to speak like that about people who were homosexual/trans at all, let alone in the workplace. The Claimant found R4's ignorance and prejudice to be astounding and found the way R4 treated members of the team who were gay, trans and foreign was demeaning and humiliating and thought the ignorance and the disrespect he demonstrated towards them was absolutely horrifying.
38. After R4 made the comment regarding the "mental health boy's club", R4 looked at the Claimant and said, "no offence" and so it was clear he knew full well that what he said would be hurtful to the Claimant. The Claimant was very offended by R4's comments. The Claimant found this to be deplorable and shocking given R4 knew of the Claimant's mental health issues.

Findings in respect of injury to feelings – PID detriments and victimisation detriments

39. The Claimant worked with Person A who was employed by R1.
40. The Claimant worked in a different store to Person A but noticed that Person A was treated differently to the other staff by R4. Jokes were made about their¹ intimate personal appearance by R4 and R5.
41. Person A told the Claimant and D that R4 would watch them on CCTV when he was not at work to ensure they were always busy and that they had to keep moving or R4 would reprimand them. Person A told the Claimant and D that they often had to cover R4's shifts but would not be permitted to clock in, be paid or claim the food allowance for that shift. The Claimant and D also observed Person A had very little money and had shoes with holes in. C had asked them why they did not buy new shoes and Person A told the Claimant and D that they were not allowed to as R4 was in control of their bank and credit cards and would not permit them to buy shoes. R4 is alleged to have retained Person A's wages and provided them with a small allowance. If Person A ordered a supermarket delivery R4 would review and edit the order removing snack items stating the reason was he did not want them to get fat.
42. The Claimant purchased Person A new shoes from his own money.
43. Person A also informed the Claimant and D that R4 had acted as a guarantor when they had applied to rent a property. R4 retained a set of

¹ We have used gender neutral pronouns to ensure Person A remains anonymised

keys to Person A's flat and would undertake inspections whenever he chose. On one occasion the Claimant had unwittingly been taken to Person A's flat during work time under R4's instruction. The Claimant was unaware the flat belonged to Person A until R4 began to FaceTime staff and take and share photos of Person A's flat and intimate personal matters.

44. On 2 May 2021 the Claimant became so concerned about the relationship between R4 and Person A that he decided to make a report to Adult Social Services. We saw corroborating emails in the bundle. He engaged with Social Services following up their request for information. Person A informed Social Services that they did not want any action to be taken and did not cooperate with their enquiry. We found this was a genuine concern on the part of the Claimant done out of concern for Person A. We accepted his evidence about his concerns and why he held them. There was also a text message in the bundle from Person A to the Claimant who had messaged Person A on 5 May 2021 after learning that they did not want to engage with the social services investigation. The Claimant told Person A he was not "pissed off" but disappointed because he knew the only way they could escape it (the alleged situation with R4) was with help from the police and he had put a lot on the line to go to the police and agreed to accompany Person A in any interviews. He acknowledged Person A's decision but believed as a friend they were making a mistake. He reassured them they would not lose his friendship and went on to state that every time R4 "treats you like crap or you aren't able to buy a pasty or box of coffee remember you do not have to live that life. You can get out whenever you're ready".
45. Person A responded "*I know you've put a lot on the line for me. I will always be grateful for that. I just ain't got it in me to do it to someone. I know it's wrong, everything he does and I'm stupid for putting up with it but I can't let him get arrested over me*".
46. The Claimant and D also reported their concerns to the police on 3 May 2021. The police visited Person A at the Claimant's home as they had not attended the police station with Person A as had been hoped, as they had refused. The Claimant and D were with Person A but Person A declined to speak to the officers.
47. In light of that text message and the other evidence we heard concerning the relationship between R4 and Person A, we found that the Claimants genuinely believed there was an abusive relationship between Person A and R4. We did not make findings about those concerns otherwise as this was not relevant to the issues in these proceedings.
48. On 1 June 2021 D (the second Claimant in these proceedings) sent an email to the R2 raising concerns about the behaviour of R4. She was telephoned by R2 and advised R2 that the Claimant also wanted to raise a

grievance / complaint. R2 then contacted the Claimant and a meeting was arranged for 9 June 2021. The Claimant confirmed he wished to pursue a formal grievance on 7 June 2021 due to the nature of the issues and concerns raised. D also confirmed the same intent due to the severity of issues. At this stage the issues had not been detailed other than to say they were serious.

49. The Claimant and D were invited to a grievance meeting on 9 June 2021 attended by R2 and R3. There were two areas of concerns relayed by the Claimant and D at this meeting. The first area was that Person A was being emotionally, financially and psychologically abused by R4. These concerns were based on conversations Person A had had with the Claimant and D. The second area was in respect of incidents that had occurred directly involving the Claimant, D and R4 (and R5 in D's claim). The Tribunal found that the information provided to R2 and R3 at this meeting amounted to qualifying disclosures under S43B ERA 1996 and protected acts under S27 EQA 2010.
50. Following the grievance hearing the R1 and vicariously R2, R3 and R4 took steps to start removing the Claimant from the business. The findings regarding R3 were due to the wholly inadequate, prejudicial and fabricated investigation she had conducted following the Claimant's grievance which focussed on finding reasons to dismiss the Claimant and wholly failed to investigate the allegations that had been made against R4 and R5. His keys to the store were taken away. He was removed from online management folders and as admin for the store Facebook page and the staff WhatsApp group. The same Respondents also set about constructing a fabricated and malicious disciplinary case against both Claimants and another employee who had supported the Claimants' accounts.
51. The Claimant was suspended on 13 June 2021 by R4. The letter of suspension stated that the allegations were gross misconduct and theft. The Claimant challenged this state of affairs in an email to R2 dated 13 June 2021. He advised he had no idea what the allegations could relate to and queried why the R4 had not been suspended given the allegations that had been made against him by the Claimant and D.
52. The Claimant felt terrified about the suspension and false allegations of gross misconduct and theft and that his whole world was about to change. He felt out of control, alone and did not know who to trust. He spent a lot of the time crying out of worry and frustration and felt totally hopeless as he believed the outcome had already been decided given D had already been summarily dismissed.
53. We saw notes by R3 of a meeting between the R2, R3 and the colleague who had supported the Claimant and D's version of events. This colleague had covertly recorded R4 admitting he would refuse to employ any further applicants with mental health issues and would falsify reasons for not taking them on if questioned. This colleague was also suspended after the Claimant's allegations against R4 for allegedly eating food not having paid for it. These notes record that the R2 had viewed two hours of CCTV footage on 11 June 2021 and that the colleague and the Claimant had

“wasted at least two hours chatting, dancing and socialising in the shop”. It goes on to record they had viewed other CCTV footage and observed *“regular socialising”*. In the liability judgment we found that R2 reviewed CCTV footage of the Claimant and the colleague two days after being told about the above allegations against the R4 and the focus of the investigation was on the Claimant, D and the colleague instead of R4, against whom extremely serious allegations of discrimination and abusive conduct had been made.

54. We concluded that the timing and motivation of these actions was an intention to construct a case of gross misconduct against the Claimant and D which we found to be malicious and retaliatory.
55. The colleague who supported the Claimant and D’s version of events was summarily dismissed on 14 June 2021. The Claimant was invited to a disciplinary hearing by letter dated 15 June 2021 authored by the R2. The allegations were:
- a. Alleged removal of stock, namely that on 11 May 2021 and 11 June 2021 the Claimant had cooked food without paying for it.
 - b. Alleged unauthorised absence namely that on 11 May 2021 he had left the store unattended for one eight minute and one seven minute period;
 - c. Alleged failure to devote the whole of his time and attention to duties namely that he had made personal phone calls on 11 May 2021 between 15.04 – 15.26.
56. R2 enclosed CCTV stills from 11 May 2021 to support the allegations. R2 had evidently not realised that the R4 had already discussed with the Claimant eating pizza on this date and the Claimant had kept the text messages which were before us. On 11 May 2021 R4 had sent the same CCTV stills to the Claimant on his mobile phone where the Claimant can be seen to be eating food. R4 had then telephoned the Claimant to remind him food should be eaten in the back room. There was a subsequent text message between the R4 and the Claimant that made no mention of the R4 having any issue with the Claimant’s behaviour other than he should have eaten the food in the back room. There was no mention of stealing or that the Claimant should not have been eating the food at all.
57. The Claimant explained the above to R2 and R3 at the disciplinary hearing on 20 June 2021 and showed them the text messages. He explained the food in question was spoiled and that he had always understood this could be consumed and that the dips had been paid for but left behind by a customer and due to Covid restrictions could not then be resold. The Respondents have failed to release the written and audio record of this hearing made by R3 despite repeated requests by the Claimant’s representatives.
58. We also had sight of phone records in the bundle the Claimant showed at the disciplinary hearing. These evidenced that alleged personal mobile phone calls were work related between him and Person A and the

Claimant and R2. Therefore R2's own phone records must have shown that the so called failure by the Claimant to devote his time to work by making phone calls were actually calls that had been made to R2. The Claimant was also able to show from the CCTV stills he was making work related calls on his mobile.

59. In relation to leaving the store, the footage only showed the Claimant going through the doors seven minutes apart. The Claimant had requested the CCTV from outside as he believed it would show him cleaning the outside of the store or taking out the bins. This was never provided. In relation to the food eaten on 11 June 2021 the Claimant explained it had been not fit for sale and the dips had been paid for but left behind by a customer.
60. There was no discussion or consideration of why the food consumed would not have fallen within the £18 food allowance per shift under the Claimant's terms and conditions of employment.
61. Despite these credible and plausible explanations by the Claimant, R2 and R3 found them funny and laughed at him when he gave those explanations.
62. The Claimant was dismissed by letter dated 22 June 2021. The letter did not set out which if any of the allegations were well founded or explain any reasoning. R2 stated that "*having carefully considered your responses including the fact you have a short amount of service I have decided that your employment should be terminated*".
63. In contrast R4 was treated very differently. Whilst there appears to have been an investigation, R4 was not subject to any disciplinary sanction despite R2 being in possession of the recording regarding the comments R4 had made about employees with mental health issues. R4 was sent a letter recording that his explanations were "*unsatisfactory*" and he should "*make every effort to address shortcomings that have been identified*". It was not recorded what these shortcomings were.

Events after the Claimant's dismissal

64. On 8 July 2021 R3 reported the Claimant to the police for theft. The police log of the allegations stated as follows:

"THEFT - EMPLOYEE WE HAVE DISMISSED STAFF MEMBER [A] FOR THEFT FROM STORE. ON THE 10TH OF MAY HE IS SEEN ON CCTV TAKING SAUCE FROM THE STORE ROOM WITHOUT MAKING A PAYMENT. ON THE 11TH OF MAY HE IS SEEN SHARING A PIZZA WITH STAFF HE DIDNT PAY FOR AND AGAIN ON THE 1ST HE SHARED NACHOS WITH STAFF. HE DENIED ALL OF THESE INCIDENTS DESPITE BEING SHOWN STILL IMAGES OF THE CCTV. HE SAID "I WAS STRESSED AND DID IT TO RAISE STAFF MORALE, I MUST HAVE JUST FORGOTTEN TO TELL SOMEONE" HE HAS BEEN DISMISSED BUT WE ARE NOT AWARE OF HOW LONG THIS WAS GOING ON FOR. WE JUST HAPPENED TO FIND THESE INCIDENTS ON THE CCTV WHILE LOOKING

FOR A SEPERATE INCIDENT.” (sic)

65. That report inaccurately informed the police that the Claimant had effectively admitted the allegations after being shown CCTV and gave an excuse. This was completely untrue. It must have also been untrue that the Respondents had “just happened” to find the images whilst looking for a separate incident.
66. The Claimant had initiated contact with ACAS on 4 July 2021. On 23 July 2021 he received an email from ACAS the contents of which he found very distressing. He was informed by ACAS that the Respondents had reported him to the police. The email goes on to say “*the Respondents are aware you would like to enter the police force and on that basis have said they would be willing to not pursue further charges against you if you settle the matter now.*” At this time the Claimant was a Special Constable and the Respondents were aware as outlined in that communication that he was applying to become a Police Constable with South Wales Police. This communication was repeated in further emails from ACAS and the Claimant reasonably understood the Respondents to be saying if he did not drop his case (although they had already reported him to the police) they would be willing to withdraw that complaint in return for him withdrawing from his Employment Tribunal. The Claimant refused to agree to the terms.
67. When the Claimant was first informed of the criminal allegations, he was distraught and became completely overwhelmed with anxiety. All of the worry and uncertainty he had felt during the time of being suspended and dismissed came flooding back, except this time, the Claimant says it was “100 times worse.” He became paranoid about the lengths the Respondents would go to for revenge. His aspirations to work in the police force felt like an opportunity suddenly hanging by a thread and was at risk of being ripped away completely.
68. On 12 August 2021 the police log confirms that all persons had been “suitably advised” and it was not in the public interest to pursue the matter as there was minimal loss and the two persons in question had been released from employment as a result.
69. On 17 October 2021 Person A sent the Claimant a text message of good luck and said that he would be *amazing* and they were *very proud* of him. This was after the Claimant was later alleged to have tried to encourage Person A into prostitution (see below).
70. We heard evidence from the Claimant as to his knowledge of South Wales police recruitment. Generally there is one round per year but the period in between can be longer. The process can take many months potentially up to one year to be appointed. Once appointment is confirmed then the remuneration begins to be paid. The Claimant intended to remain in R1’s employ during this process as the shifts gave him the flexibility and financial income to continue as a Special Constable which would have assisted his application.

71. On 11 April 2022 R2 made a new complaint against the Claimant to South Wales Police. The complaint was as follows: R2 reported he was walking around [the local town] centre and saw the Claimant in police uniform. He stated he had concerns about the Claimant's relationship with Person A who he described as vulnerable. He described them as having had a tough life in foster care and other establishments, had financial difficulties and having shared that with the Claimant, he then suggested or encouraged them to prostitute themselves for monies and become a porn star. R2 alleged that the Claimant had accessed porn sites on Person A's behalf and set up a profile and account in her name. It was not until Person A had to input their credit card details they had become wary and did not go through with it.
- 72.72. It was unclear exactly when the Claimant became aware of this complaint but he certainly became aware by 4 May 2022 as he was served a Regulation Notice and around that time he was also suspended from his duties as a special Police Constable. The theft allegation from the previous year was also re-opened. This had the knock-on effect of his application to become a Police Constable as it had to be effectively stayed. He was required to attend a police station for a voluntary interview and engaged a criminal solicitor to represent him on 4 May 2022. There then followed a detailed investigation by the appropriate investigating authorities who concluded by 11 November 2022 there was insufficient evidence to proceed further against the Claimant.
73. The Claimant had never sat in a police interview before. He found the experience embarrassing and demoralising. Following this interview, he met up with a police welfare officer on various occasions due to the significant stress and anxiety he was experiencing. The Claimant was afraid that he could be prevented from carrying out his dream job and worse have criminal charges brought against him. He was often in tears when speaking with the welfare officer and considered quitting his role as a special constable.
74. It should be noted that the second police report came a few days following notice of the Case Management Hearing that had been listed by the Employment Tribunal. We found the timing of these complaints to be relevant to our conclusion that these complaints were maliciously made against the Claimant by the Second Respondent as retaliation for bringing his Employment Tribunal proceedings. What was particularly grotesque about the allegations were that they mirrored to a degree the allegations the Claimant had made against R4 in regards to his allegedly abusive relationship with Person A, save they went even further and alleged the Claimant, a person of good character, was attempting to gain from the prostitution of Person A. R1, R2 and R3 had done nothing about the allegations regarding the inappropriate relationship between R4 and Person A. In our liability judgment we concluded that the reports had been made on the grounds of and because of the protected disclosures / protected acts and accordingly, the Claimant succeeded in these claims.
75. The impact on the Claimant of these matters was devastating. The Claimant

has described that he was horrified after finding out about the allegations, he felt he was being blackmailed by the Respondents who thought by threatening him with the loss of his dream career (which they were well aware of) he would withdraw his claims. The months that followed were the worst months of his life. In particular it was the unjustness of the extremely serious and malicious nature of the complaints concerning Person A when in fact the Respondents had evidence before them that another individual had acted in a way that was at the very least highly inappropriate and did nothing to investigate those matters yet sought to then make very serious allegations against the Claimant. The Claimant had days when he was terrified, he felt his whole world was going to change, his dream of his future career was at an end and he no longer had control of the situation. He felt alone and did not know who to trust.

76. The whistleblowing detriments and victimisation has also changed the way the Claimant views people and he now has significant trust issues. The Claimant had been an extremely trusting person and took people at face value but everything relating to the suspension, dismissal and malicious allegations has made him rethink how he views others, which will continue to affect him long term. He remains worried about further revenge and ruminates on what the Respondents will do next. He now avoids certain areas in his home town as he does not want to risk seeing R2 or R4.

77. On 05 January 2023 the Claimant was informed that the police investigation into the allegations had come to an end. The impact of this in respect of his career was that he had been set back in terms of joining the police force by one full year. The Claimant now does not know if he wants to pursue a career in the police force due to the impact of the whistleblowing detriments and victimisation.

78. We find that the periods where the Claimant was unfit for work since his dismissal are attributable to the dismissal and the victimisation detriments. Whilst the Claimant had a preexisting mental health condition this was previously well managed and under control until his dismissal and the acts of victimisation that occurred afterwards.

The Law

79. Section 49 ERA 1996 provides:

49 Remedies

(1) Where an [employment tribunal] finds a complaint [under section 48(1), (1ZA), (1A) or (1B)] well-founded, the tribunal—

(a) shall make a declaration to that effect, and

(b) may make an award of compensation to be paid by the employer to the complainant in respect of the act or failure to act to which the complaint relates.

.....

(2) [Subject to [subsections (5A) and (6)]] The amount of the compensation awarded shall be such as the tribunal considers just and equitable in all the circumstances having regard to—

(a) the infringement to which the complaint relates, and

(b) any loss which is attributable to the act, or failure to act, which infringed the complainant's right.

(3) The loss shall be taken to include—

(a) any expenses reasonably incurred by the complainant in consequence of the act, or

failure to act, to which the complaint relates, and

(b) loss of any benefit which he might reasonably be expected to have had but for that act or failure to act.

(4) In ascertaining the loss the tribunal shall apply the same rule concerning the duty of a person to mitigate his loss as applies to damages recoverable under the common law of England and Wales or (as the case may be) Scotland.

80. The dismissal was a discriminatory dismissal as it was found to be a detriment under S27 EQA 2010. The compensation for loss should therefore be awarded on the principles applying to discrimination cases.

81. **Al Jumard v Clwyd Leisure Ltd [2008] IRLR 345** is authority for the approach where a case involves multiple forms of discrimination. In such cases the EAT held that where more than one form of discrimination arises out of the same facts, it can be artificial and unreal to ask to what extent each discrete head of discrimination has contributed to the injured feelings, and there will be no error of law where the tribunal fails to do that. Where discriminatory heads overlap, it is not simply a case of treating both forms of discrimination wholly independently and then adding the sum for each. The degree of injury to feelings is not directly related to the number of grounds on which the discrimination has occurred. It may be, for example, that a tribunal takes the view that injury to feelings in a case of race and disability discrimination is not materially different from the injury that would have been experienced had it been race alone. Similarly, there should not be some artificial attempt to assess loss by reference to each and every alleged incident of discrimination. That is wholly unreal and would be an impossible exercise. In many cases an act of discrimination, such as failing to give a proper hearing, could be divided up into various sub-categories. The exercise would also give a wholly specious objectivity to what is inevitably a broad brush calculation.

82. Discrimination is a statutory tort which means that where two (or more) respondents are jointly responsible for an act of discrimination, harassment or victimisation, the Tribunal can award compensation on a joint and several basis.

83. In **London Borough of Hackney v Sivanandan & Others [2013] EWCA Civ 22**, the Court of Appeal upheld the EAT's decision that an employment tribunal had no power to apportion a compensatory award where numerous respondents were found jointly and severally liable for an indivisible act of discrimination. In the EAT, it was held that where there are co respondents jointly responsible, the usual award will simply be that each such respondent is jointly and severally liable. In such cases, the EAT (Underhill P presiding) held that the Employment Tribunal's discretion to apportion liability to the claimant between each of the respondents exists only where the injury caused by different acts of discrimination is 'divisible' and the tribunal can—and, indeed, should—apportion to each discriminator responsibility for only that part of the damage done by them. Even then, the EAT warned that such 'split' awards should only be made where such an order is sought by one of the parties and if the proper legal basis for the discretion is clearly demonstrated in the particular case.

84. The Claimant is under a duty to mitigate his loss and the burden of proof is on the Respondent to show the Claimant has failed to mitigate his loss. **Ministry of Defence v Cannock [1994] ICR 918 and Wilding v British Telecommunications Plc [2002] ICR 1079.**
85. The Court of Appeal gave guidance to Tribunals when assessing future loss of earnings after a discriminatory dismissal in **Wardle v Credit Agricole Corporate and Investment Bank [2011] EWCA Civ 545.** Where it is at least possible to conclude that the employee will, in time, find an equivalently remunerated job (which will be so in the vast majority of cases), loss should be assessed only up to the point where the employee would be likely to obtain an equivalent job, rather than on a career-long basis, and awarding damages until the point when the tribunal is sure that the claimant would find an equivalent job is the wrong approach. This case was also relevant when considering whether an ACAS uplift should be awarded having regard to the overall size of the award.
86. In **Virgo Fidelis Senior School v Boyle [2004] IRLR 268** the EAT held that protected disclosure detriments are a form of discrimination and it is appropriate to apply Vento guidelines.
87. Guidance on assessment of compensation in injury to feelings is contained in **Vento v Chief Constable of West Yorkshire Police (No2) [2003] ICR 318.** There are three bands.
88. In respect of claims presented on or after 6 April 2021, the Vento bands were as follows: a lower band of £900 to £9,100 (less serious cases); a middle band of £9,100 to £27,400 (cases that do not merit an award in the upper band); and an upper band of £27,400 to £45,600 (the most serious cases), with the most exceptional cases capable of exceeding £45,600.
89. Injury to feelings awards are compensatory and should compensate without punishing the discriminator. Feelings of indignation should not inflate the award.
90. **Cannock** is also authority for the principle that the Tribunal should not simply make calculations under different heads, and then add them up. A sense of due proportion is required and to look at the individual components of any award and then looking at the total to make sure that the total award seems a sensible and just reflection of the chances which have been assessed (per Morison J at para 132).
91. Aggravated damages can be awarded where aggravating features have increased the impact of the discriminatory act on the Claimant. Underhill P in **Commissioner of Police of the Metropolis v Shaw UKEAT/0125/11/ZT** cites the phrase 'high-handed, malicious, insulting or oppressive' behaviour'. Subsequent conduct such as conducting the trial in an unnecessarily oppressive manner, failing to apologise, or failing to treat the complaint with the requisite seriousness can also give rise to aggravated damages.

Conclusions

Basic award

92. The Respondents submitted there should be no basic award as the Claimant does not have two year's service. We could not find any authority to support this contention in s118 ERA 1996. This is a complaint of unfair dismissal that is well founded and as such we award the Claimant a basic award in the sum of £429.30.

Compensatory award

93. The compensation is to be awarded under s124 EQA 2010 rather than s123 ERA 1996.

94. The Respondents contended that the Claimant would have left his employment in any event to become a Police Constable. Further and in the alternative, that the chain of causation was broken when he found alternative employment and any losses flowing should not be attributed to R1. R1 also submitted the Claimant had failed to mitigate his loss.

95. Our findings of fact regarding the period between dismissal and the remedy hearing and future loss are above at paragraphs 27 - 32 and 65. Applying these facts to the law we reach the following conclusions.

96. Dealing firstly with the submission about the Claimant would have left in any event to become a Police Constable. We heard that there is one round of recruitment per annum which was due to take place around October of 2021 (see paragraph 65) and this could have taken up to one year, so up to November 2022 to be appointed. Whilst we agree that but for the unlawful dismissal the Claimant was likely to have applied to become a police constable, we are not in a position to say what the chances are that application would have been successful as this would be wholly speculative. For these reasons it would not be just and equitable to reduce compensation on the basis the Claimant would have joined the police in November 2022.

97. We also reject the contention that the intervening employment changes means the losses claimed do not flow from the dismissal. The Claimant's losses to date are attributable to the conduct of the Respondent including periods where he was unfit for work as he was rendered unfit due to the actions of the Respondent. In particular we considered whether the loss of earnings following the Claimant's redundancy from the PR agency in the Autumn of 2023 should be attributable to the dismissal. We do not consider it would be just and equitable to end the Claimant's loss at this point in all the circumstances of the case for the reasons below under mitigation.

Mitigation

98. We consider that in all the circumstances the Claimant has taken reasonable steps to mitigate his loss. He began to look for work immediately and soon thereafter secured a temporary role. He had continued to search for a better paid role which he found at Asda. He then secured an even better paid role to the extent that by 16 November 2022 until 12 October 2023 he received net weekly pay in excess of his weekly earnings with the first Respondent. The Claimant in our judgment has reasonably mitigated his loss throughout a very difficult and distressing period during which he was facing formal police investigation into the malicious allegations that had been made by R2 and R3. During this period the Claimant experienced periods of ill health caused by the conduct of the Respondents. Following his redundancy the Claimant has applied for nine jobs, mostly retail but one Teaching Assistant role but to date not been successful.
99. We accepted that the Claimant was made redundant at a time of year which would be challenging to find retail work. He has taken reasonable steps to search for employment even applying for a Teaching Assistant role despite not wanting to enter into that profession after his degree.
100. As the Claimant commenced a new role on 19 February 2024 (for which he is remunerated in excess of the earnings he received with the Respondent), we have awarded the Claimant pecuniary loss to that date.
101. We were invited to award the Claimant a loss of £18 per shift in respect of the loss of his food allowance he enjoyed in R1's employment. Whilst this was a contractual benefit, we do not consider that the full amount should be awarded as the value was based on the retail price rather than what the benefit actually cost to provide to the employees. Applying a broad brush approach we consider that a sum of £7.50 per shift justly compensates the Claimant for this loss of benefit.

Breach of contract

102. We found that the Claimant was entitled to 12 week's notice yet was only paid two. We would therefore award damages for wrongful dismissal for 10 week's pay but have calculated this loss under the pecuniary loss arising under s124 EQA 2010, being the most proportionate way of calculating these complex remedy conclusions.

ACAS Uplift

103. We consider this to be a claim where it is appropriate to award a 25% uplift to the compensation award on the basis there was a wholesale failure by R1 to comply with the ACAS Code of Practice in respect of both the disciplinary procedure and the Claimant's grievance.
104. The Claimant raised a grievance in writing with the Respondent. Whilst there was a grievance meeting this was a total sham. Thereafter there was no investigation into the grievance other than a trawl of CCTV to find grounds to dismiss the Claimant. The disciplinary procedure was a

sham and we found it was malicious and motivated by and amounted to victimisation and a detriment for making protected disclosures.

105. Having regard to **Wardle** and **Cannock** we do not apply the uplift to the injury to feelings and aggravated damages as we consider that this would not be proportionate having regard to the overall size of the award.

Injury to Feelings

106. As the detriment, harassment and victimisation complaints were against different Respondents we have set out our findings in respect of each complaint separately. This is a claim where there were multiple findings of discriminatory conduct as well as detriments.
107. The Claimant's schedule of loss sought injury to feelings of £29,000 which is at the lower end of the upper Vento band and aggravated damages of £10,000.
108. We agree that the appropriate Vento band in this case is the top band. Applying **Al Jumard v Clwyd Leisure Ltd** we do not consider we should try and apportion different amounts to the different harassment claims as they were against the same respondents.²
109. Whilst the harassment complaints evidently had an impact on the Claimant's feelings, apart from the matters at paragraphs 18 and 22 above, they were not all directed or aimed specifically at the Claimant. He continued to work throughout the period of employment feeling comfortable enough to share photos of LED lighting he had purchased with R4 and not calling out these behaviours until deciding along with the second Claimant to raise the behaviour of R4 with his employers in June 2021. We do not seek to derogate from the deeply offensive environment which existed but if we were considering the harassment claims alone, we would place the injury to feelings in the bottom of the middle band as not all of the conduct was directed specifically at the Claimant. For these reasons we award the Claimant £12,000 for the harassment claims.
110. The Tribunal concluded that the victimisation detriments have had a profound and devastating impact on the Claimant's feelings and the injury suffered should be reflected appropriately. We concluded that this should be set apart from the other compensatory elements to mark the very serious and grave impact on the Claimant that was caused by those detriments. This also explains why the total injury to feelings award is higher than sought by the Claimant on his schedule of loss. For these reasons we award the first Claimant the sum of £20,000 for injury to feelings in respect of the victimisation claim.
111. We consider it appropriate to award the sum of £3,000 for the PID detriments at paragraphs 15 (a) to (i) having regard to the injury to the Claimant's feelings (see paragraph 67).

² We had to take a different approach in the claim brought by D as there were different claims against different respondents.

112. The injury to feelings award amount to £35,000 in total. We have, as required, stood back and looked at the total amount and are satisfied this is a just and equitable award within the appropriate Vento Band, taking into account also the ACAS uplift.
113. Turning now to the issue of aggravated damages. We agree that this is a claim where it is appropriate to make such an award. We have found that R1, R2 and R3 not only constructed a false reason to dismiss the Claimant. Following his dismissal, knowing of the Claimant's ambition to join the police force, they made a false report to the police for theft and used the ACAS early conciliation procedure to attempt to pressurise the Claimant to withdraw his claim. They then went even further in their attempt to pressurise the Claimant to withdraw his claim. The Tribunal has found this to be one of the most shocking and spiteful acts of victimisation we have ever seen. In April 2022, R2, in a shocking act of irony, alleged the Claimant had attempted to prostitute Person A. In doing so, R2 knew of the Claimant's allegations of a shocking category of abuse against Person A by R4, about which they had done absolutely nothing save to say his actions were "unsatisfactory". Instead they sought to construct a case against the Claimant with the aim of bringing an end to these proceedings and ruining his ambition to become a police constable. For these reasons, we award the sum of £10,000 for aggravated damages.

S38 EA 2002

114. This claim was upheld as the first Respondent failed to issue the Claimant with a compliant S1 ERA 1996 statement of terms and conditions of employment or provide updated terms when the Claimant was promoted to Shift Manager in September 2020. We consider that two week's pay should be awarded in respect of this failure. We were not persuaded that the higher award was appropriate when standing back and looking at the totality of the award.

Interest

115. We have set out the interest calculations below. We acknowledge these are complex remedy calculations but consider that it was just and equitable to calculate the interest on the different awards as against different Respondents.
116. The first act of harassment where a definitive date is provided was the comments about the Romanian colleague in October 2020. We have therefore settled on 31 October 2020 as the first act of harassment for the purpose of calculating the interest in respect of this complaint. There was a potentially earlier act in Summer / Autumn 2020 (the first sexual orientation harassment complaint) but as we do not have a definitive date it would not be in the interest of justice to start the interest accrual earlier.
117. In respect of the awards for the PID / victimisation and aggravated damages, the relevant date for the purpose of calculation is 22 June 2021.

Grossing up

118. The portion above £30,000 requires to be grossed up in accordance with section 401 of the Income Tax (Earnings and Pensions) Act 2003.

119. The awards that are required to be included for the purpose of grossing up are the compensatory award (£26,451.03), injury to feelings (£35,000) and aggravated damages (£10,000) which totals £71,451.03.

- Personal allowance = £12,570 (gross);
- Basic rate = 20% on the next £37,700 (gross) leaving £30,160 (net);
- Higher rate = 40% on the next £99,730 (gross) leaving £59,838 (net);
-
- Tribunal award £71,451.03 of which £30,000 will be tax free leaving £41,451.03.

The Claimant has earned a gross figure of £18,412.19 in the current tax year (06 April 2023 – 05 April 2024). The first £12,570 of the salary is free of tax. The remainder of the salary (£5,842.19) is taxable at the rate of 20%. This leaves a further £31,857.81 of the award in the remaining 20% tax bracket. As such, £31,857.81 of the award will be taxable at 20% (£7,964.45) and £9,593.22 taxable at 40% (£6,395.48) meaning the total amount to be payable in tax is £14,359.93.

Calculations and breakdown of awards

Automatic Unfair Dismissal

1 week x £429.30 **£429.30**

Loss of earnings to remedy hearing (29 November 2023)

- Average gross weekly pay with R - £429.30
- Average net weekly pay - £340.17
- EDT 22/06/21
- Date of remedy hearing 29/11/23
- EDT to remedy hearing = 891 days or 127.3 weeks

Between 16/11/22 to 12/10/23 (47.14 weeks) there was no loss of wages as the Claimant's salary at the PR agency was more than his salary when employed by R1.³

Total loss to remedy hearing 127.3 x 340.17= **£43,303.64**

Less mitigation

³ We checked this calculation was not over claiming the loss as if we assumed a net weekly loss at the equivalent wages this came to a total of £31,852.10 in mitigation earnings. If we deduct this amount from the total loss (43303.64) this gave a net loss of £11,451.54 which is higher than the amount claimed by the Claimant.

549 (Smyths)
3182.40 (Asda)
867.15 (Asda SSP)
336.96 (Asda)
7025 PR agency Feb – Aug 22
3828 PR agency Aug 22 – 15/11/22
A figure in excess of £16036.59 between 16/11/22 – 12/10/23 for which C has given credit) ⁴

Total loss claimed to remedy hearing £10,064.41

Pension loss to remedy hearing

3% of 429.30 = £12.88 per week pension loss x 127.3 weeks = **1639.62**

Assuming the Claimant received pension of a similar amount during his employment with Asda and applying a broad-brush approach ⁵we make no award for pension loss whilst with Asda. For the other remaining weeks, we award £12.88 per week. The Claimant was self employed at the PR agency and therefore would not have been provided with a work pension.

Asda 05/08/21 – 02/03/22 = 210 days or 30 weeks
30 weeks x £12.88 = **less 386.40**

Total pension loss to hearing £1,253.22

Loss of benefit (food)

We apply a loss of £7.50 per shift, per week during the period of loss on basis the value of the food equivalent would not be £18

127.3 weeks loss to hearing x (7.50 x 5) **£4,773.75**

Total loss to remedy hearing = 10,064.41 + 1,253.22 + 4,773.75 £16,091.38

Future loss of earnings (to 19 February 2024)

- Remedy hearing to Commencement Date ('CD') = 82 days or 11.7 weeks

Total future loss to CD £3,979.99

Pension loss to CD
3% of 429.30 = £12.88 per week x 11.7 weeks **£150.70**

Future loss of benefit (food) to CD
(7.5 x 5) x 11.7 weeks **£438.75**

⁴ As above

⁵ Whilst at Asda there were a number of weeks whether the Claimant was paid SSP so the pension would have been lower but as we do not have the payslips we consider it proportionate to assess the pension loss @ the same rate for the duration of the Asda employment

Total loss to CD **£4,569.44**

Loss of Statutory Rights **£500.00**

ACAS uplift

25% of total loss to remedy hearing, total loss to CD and loss of statutory rights

$(16,091.38 + 4,569.44 + 500) \times 25\%$ **£5,290.21**

Total compensation for pecuniary loss **£26,451.03**

Injury to feelings

PID detriments – R1 vicariously liable £3,000

Harassment – R1 and R4 jointly and severally liable £12,000

Victimisation -R1. R2, R3 jointly and severally liable £20,000

Total **£35,000**

Aggravated damages – R1, R2 and R3 jointly and severally liable **£10,000**

Interest on past loss

Date of first discriminatory act (31 October 2020) to date of remedy hearing (29 November 2023) = 1124 days

Interest calculation – $((1124 / 2) \times 0.08) / 365 \times 16091.38 =$ **£1,982.11**

Interest on injury to feelings awards

Harassment

Date of first discriminatory act (31 October 2020) to date of remedy hearing (29 November 2023) = 1124 days

$((1124 \times 0.08) / 365 \times 12,000 =$ **£2,956.27**

PID/ victimisation detriment and aggravated damages paragraphs 15 (a) to (i)

Date of first discriminatory act (22 June 2021) to date of remedy hearing (29 November 2023) = 890 days

$890 \times 0.08 \times 1/365 \times 3,000$ **£585.21**

PID/ victimisation detriment and aggravated damages paragraphs 16 (a), 16(b), 17 (a), 17 (b)

Date of first discriminatory act (22 June 2021) to date of remedy hearing (29 November 2023) = 890 days

((890 x 0.08) /365 x 33,000 = £6,437.26

Failure to provide S1 statement

2 weeks x £429.30 **£858.60**

Employment Judge S Moore

Date: 7 April 2024

JUDGMENT SENT TO THE PARTIES ON 8 April 2024

FOR THE TRIBUNAL OFFICE Mr N Roche

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.

Public access to employment tribunal decisions

Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the Claimant(s) and respondent(s) in a case.