



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr L Jurczykowski

**Respondent:** Amazon UK Services Limited

**Heard at:** Watford

**On:** 26 November 2025

**Before:** Employment Judge Cowen  
Ms Harris  
Mr Bury

## Appearances

For the claimant: Mr Jurczykowski (in person) with interpreter

For the respondent: Mr Sangha (counsel)

# WRITTEN REASONS

1. An oral judgment was given after a remedy hearing on 26 November 2025. The judgment was sent to the parties on 15 December 2025. The Claimant applied on 24 December 2025 for written reasons. These are provided here below;
2. The Claimant was assisted by an interpreter throughout the hearing.
3. The Tribunal received a skeleton argument from the Respondent.
4. The Tribunal indicated to the parties that the remedy in this case would consist only of injury to feelings, as no financial loss was attributable to the actions of the Respondent. The parties acknowledged this but were not able to reach any compromise. The hearing therefore proceeded with the Claimant giving evidence under oath. There was no cross examination by the Respondent.
5. Submissions were made by both parties, before the Tribunal considered its decision.

## The Law

6. Compensation in discrimination cases is assessed in accordance with s, 124 (6) and 119(2) EQA 2010. The principles of Chagger v Abbey National PLC [2010] IRLR 47 indicate that the Claimant should be placed in the position as though the tort had not occurred, as far as is possible.
7. The focus should be on compensating the Claimant rather than punishing the Respondent; Corus Hotels plc v Woodward EAT 0536/05.
8. The Tribunal shall consider the Vento band appropriate depending on the extent and severity of the impact of the discrimination. Relevant factors such as whether there was a course of conduct, or a one-off situation will be relevant to the decision as to whether the award lies within the lower, middle or upper band. The top band is reserved for cases which are considered the most serious, where there is a lengthy campaign or discrimination. The middle band is for those which are less serious and do not merit an award in the upper band. The lowest band is for cases where there is a one-off, or less serious instances of discrimination with less long-lasting impact or severity. As set out in Vento v Chief Constable of West Yorkshire Police [2003] ICR 318, CA. The levels of these damages have been adjusted in accordance with De Souza v Vinci Construction UK Ltd [2018] ICR 433, CA. The relevant middle band at the time of this claim being presented was £8,400 to £25,200 and the lower band was £800 to £8,400
9. The Tribunal should have some regard to the principles applied in the application of compensation for personal injury when considering an injury to feelings award.
10. Aggravated damages were set out in Alexander v Home Office 1988 ICR 685, CA, where it held that aggravated damages can be awarded in a discrimination case where the defendants have behaved 'in a high-handed, malicious, insulting or oppressive manner in committing the act of discrimination'.

### **Decision**

11. The Tribunal were agreed that this was a case where there was no financial loss and therefore only injury to feelings was to be considered. There was no evidence to support the idea that the 'letters of concern' sent by the Respondent to the Claimant, led directly to any loss of income, or loss of employment.
12. The Claimant continued to receive sick pay (contractual or SSP) until these were exhausted. This was not affected by the imposition of either of the letters of concern.
13. There was therefore no evidence to support the suggestion that the Claimant had any financial loss as a result of the discrimination which we found took place.
14. The Tribunal understood that the Claimant felt very strongly that he had been treated badly by the Respondent, but that is not the same as being discriminated. We did not conclude in the liability judgment that the Claimant was dismissed unlawfully.
15. We did find in the liability Judgment that the Claimant saw these letters as a sanction and a restriction on any reasonable adjustment being made, which might have assisted

his return to work. However, the Claimant's evidence at the remedy hearing was that he was nevertheless unfit to return to work, both in August 2020 and in October 2021. Therefore the letters themselves did not prevent the Claimant returning to work. We could not therefore say that he had lost any income as a result of the discrimination by the Respondent.

16. The Tribunal accepted that the letters caused the Claimant further upset and that was made clear in both his evidence and submissions to the Tribunal. The Claimant made it clear in his evidence that he believed that the Respondent acted in a way which sanctioned him for his sickness absence which was inappropriate and ultimately exacerbated the difficult relationship between them.
17. However, the Tribunal was clear in their view that they cannot award compensation as a punishment to the Respondent. It was clearly stated in *Prison Service v Johnson* [1997] IRLR 162, that the purpose of an award is to compensate for the upset felt by the Claimant as a result of the discrimination and should be just to both parties. The Tribunal took into account the range of personal injury awards and the value in everyday life of the sum they award. The Tribunal could not add to this as a punishment to the Respondent, as the Claimant requested.
18. The Tribunal award was to return the Claimant to the position he would have been in, had the discriminatory treatment, i.e. these two letters of concern, not happened.
19. The Tribunal recognised that the Claimant was upset by the actions of his employer and the content of the letters, This could have been avoided by clearer language and any misunderstanding could have been handled more sympathetically. It made the Claimant feel unwanted by the Respondent and ultimately made him resistant to the absence management process. But the Tribunal also acknowledged that no specific steps were taken by the Respondent – i.e. there was no sanction, as no move was refused and that a full process was applied, before the Claimant was ultimately dismissed.
20. The Tribunal concluded that the appropriate award was one of injury to feelings only. The Tribunal considered that the affect of each of these letters was relatively limited as the dismissal of the Claimant came after the letters and for reasons which the Tribunal found were not discriminatory. It was recognised that the receipt of the letters was upsetting to the Claimant at the time and that he remained aggrieved by the way he was treated by the Respondent.
21. The Tribunal concluded that this was a situation which was appropriately compensated in the lower Vento band. Whilst it was not a one-off, it was not a long lasting situation and did not lead directly to his dismissal., the lower band was therefore the most appropriate level of award. The Tribunal then considered other cases, highlighted in *Harveys Employment Law*, which showed that receiving warning letters which were discrimination arising from disability were awarded in the region of £3,400 as adjusted for inflation (see the following referred to in *Harveys*)

*"Hextall v Tesco Stores Ltd (Leicester) (Case No 1900214/2007) (10 July 2007, unreported) — ITF £1,000 (and Recommendation at para [1350])*

*Sarwar v West Midlands Fire and Rescue Service (Birmingham) (Case No 1304552/06) (23 April 2007, unreported) — ITF £2,500 (and Uplift at para [1279] and Recommendation at para [1352])"*

22. The Tribunal considered that taking into account all the evidence, the judgment in the liability hearing and the submissions at the remedy hearing, the appropriate award for injury to feelings was £5000.
23. The Tribunal calculated that interest on the award from 19 August 2020 to 26 November 2025. The rate of interest was £400 per annum , equal to £1.09 per day. The period of interest was 5 years (£2000), 14 weeks plus 1 day = 99 days (£107.91).
24. The total award payable by the Respondent to the Claimant was £7,107.91
25. The Tribunal declined to award aggravated damages as the actions of the Respondent were not considered by the Tribunal to be oppressive of the Claimant. Nor did the Tribunal consider that there had been a discriminatory motive by the Respondent. There was no suggestion that action had been taken to conduct the tribunal proceedings in a manner which failed to take the Claimant's complaint seriously; Commissioner of Police of the Metropolis v Shaw [2012] ICR 464, EAT.

Approved by:

**Employment Judge Cowen  
28 January 2026**

SENT TO THE PARTIES ON

29 January 2026

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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. If written reasons are provided they will be placed online.

All judgments (apart from judgments under Rule 51) and any written reasons for the judgments are published, in full, online at <https://www.gov.uk/employment-tribunal-decisions> shortly after a copy has been sent to the claimants and respondents.

If a Tribunal hearing has been recorded, you may request a transcript of the recording. Unless there are exceptional circumstances, you will have to pay for it. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings and accompanying Guidance, which can be found here:

[www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/](http://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/)