



EMPLOYMENT TRIBUNALS

Claimant
Mr P Trela

v

Respondent
DHL International (UK) Limited

Heard at: Reading Employment Tribunal

On: 26 February 2026

Before: Employment Judge Hawksworth
Ms C Carr
Dr C Whitehouse

Appearances:

the claimant: represented himself

For the respondent: Mr D Calvert (counsel)

JUDGMENT (REMEDY)

It is the unanimous decision of the tribunal that the respondent must pay the claimant the sum of £10,476.59 made up of:

- 1.1. Unfair dismissal compensation:
 - 1.1.1. A basic award of £3,997;
 - 1.1.2. An award for loss of statutory rights of £250;
- 1.2. Discrimination compensation
 - 1.2.1. An award for injury to feelings of £5,000;
 - 1.2.2. interest on the injury to feelings award of £1,229.59.

REASONS

The remedy hearing

1. This was a separate hearing on remedy following the liability judgment and reasons which were given at the hearing on 24 October 2025. The claimant succeeded in complaints of unfair dismissal and discrimination arising from disability in relation to dismissal.
2. There was a bundle prepared for the remedy hearing. It had 726 pages. An additional three-page document (quarterly incentive plan) was added.
3. The claimant had not prepared an updated witness statement. He relied on his statement for the liability hearing. Mr Wright prepared a statement on

behalf of the respondent. We heard evidence from both the claimant and Mr Wright.

4. After hearing closing comments by both parties, we took some time for deliberation and then told the parties our decision and reasons. The claimant asked for these written reasons to be provided.

The issues for us

5. The issues on remedy were set out in the claimant's schedule of loss and the respondent's counter schedule of loss. We went through each of the elements of loss listed in those documents to determine the remedy the claimant should be awarded.

The law

6. When we explained our reasons at the hearing we outlined the legal principles we applied. We include in these written reasons a more detailed summary of the legal principles we applied.

Unfair dismissal compensation

7. Section 118 of the Employment Rights Act 1996 provides that compensation for unfair dismissal consists of:
 - 7.1 A basic award; and
 - 7.2 A compensatory award.
8. The basic award is calculated by reference to a formula using age and length of service.
9. The amount of the compensatory award is such amount as the tribunal considers just and equitable in all the circumstances, having regard to the loss sustained by the claimant in consequence of the dismissal, in so far as that loss is attributable to action taken by the respondent (section 123(1)).
10. When considering what financial loss has been sustained in consequence of the dismissal, the tribunal will consider whether compensation should be reduced to reflect the possibility that the unfairly dismissed employee could have been fairly dismissed at a later date (*Polkey v AE Dayton Services Ltd* 1988 ICR 142, HL).

Compensation for discrimination

11. Section 124 of the Equality Act 2010 says that where an employment tribunal makes a finding of unlawful discrimination:

“(2) The tribunal may—

- (a) *make a declaration as to the rights of the complainant and the respondent in relation to the matters to which the proceedings relate;*
 - (b) *order the respondent to pay compensation to the complainant;*
 - (c) *make an appropriate recommendation.*
- (3) *An appropriate recommendation is a recommendation that within a specified period the respondent takes specified steps for the purpose of obviating or reducing the adverse effect on the complainant of any matter to which the proceedings relate.*
- ...
- (6) *The amount of compensation which may be awarded under subsection (2)(b) corresponds to the amount which could be awarded by the county court or the sheriff under section 119.”*

12. Section 124 of the Equality Act allows us to make a declaration (which we have done in our liability judgment), to order the payment of compensation and to make an appropriate recommendation. No recommendations were sought by the claimant, and the focus here is on compensation. There is no upper limit on the amount of compensation that can be awarded in a complaint of discrimination.
13. The aim of compensation is that *‘as best as money can do it, the [claimant] must be put into the position [he] would have been in but for the unlawful conduct’ (Ministry of Defence v Cannock and ors 1994 ICR 918, EAT)*. In other words, the aim is that the claimant should be put in the position he would have been in if the discrimination had not occurred. This requires the tribunal to look at what loss has been caused by the discrimination. For discriminatory dismissal, there may be a question of whether there could have been a non-discriminatory dismissal at the same time, or whether there would have been a non-discriminatory dismissal at some point in the future (*Abbey National plc and anor v Chagger 2010 ICR 397, CA*).
14. Loss can include financial loss and injury to feelings.
15. In *Prison Service and others v Johnson [1997] ICR 275 EAT*, the EAT set out the following principles that the tribunal should consider in making an award for injury to feelings:
 - “(i) Awards for injury to feelings are compensatory. They should be just to both parties. They should compensate fully without punishing the tortfeasor. Feelings of indignation at the tortfeasor’s conduct should not be allowed to inflate the award.*
 - (ii) Awards should not be too low, as that would diminish respect for the policy of the anti-discrimination legislation. Society has condemned discrimination and awards must ensure that it is seen to*

be wrong. On the other hand, awards should be restrained, as excessive awards could ... be seen as the way to "untaxed riches."

(iii) Awards should bear some broad general similarity to the range of awards in personal injury cases. We do not think this should be done by reference to any particular type of personal injury award, rather to the whole range of such awards.

(iv) In exercising their discretion in assessing a sum, tribunals should remind themselves of the value in everyday life of the sum they have in mind. This may be done by reference to purchasing power or by reference to earnings.

(v) Finally, tribunals should bear in mind ... the need for public respect for the level of awards made."

16. In *Vento v Chief Constable of West Yorkshire Police (No. 2)* [2002] EWCA Civ 1871 the Court of Appeal said that an injury to feelings award:

"encompasses subjective feelings of upset, frustration, worry, anxiety, mental distress, fear, grief, anguish, humiliation, unhappiness, stress and depression"

17. In the same case, the court identified three broad bands of compensation for injury to feelings awards known as the Vento bands. The Presidential Guidance on injury to feelings sets out updated Vento bands: for claims presented on or after 6 April 2023, as this claim was, the lower band is £1,100 to £11,200 (less serious cases); the middle band £11,200 to £33,700 (cases that do not merit an award in the upper band); and the upper band £33,700 to £56,200 (the most serious cases), with the most exceptional cases capable of exceeding £56,200.
18. The injury to feelings award is assessed by reference to the injury to the claimant's feelings, not to the nature or seriousness of the respondent's conduct.

Interest

19. Interest on discrimination awards is provided for in the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996. The regulations give the power to award interest on the claimant's losses as part of the compensation for discrimination. For injury to feelings, interest normally runs from the date of the discrimination to the date of calculation (regulation 6(1)(a)).

Findings of fact and conclusions

20. This section includes relevant findings of fact made in our liability judgment and our findings from the remedy hearing, together with our conclusions and calculations.
21. The claimant worked as a courier driver for DHL from 18 April 2017. He had an injury at work on 19 July 2022 and was dismissed on 31 January 2023.

He claimed unfair dismissal, discrimination arising from disability, and whistleblowing detriment.

22. The complaints of unfair dismissal and discrimination arising from disability succeeded. The complaint of whistleblowing detriment did not succeed because we found that the claimant did not make any protected whistleblowing disclosures.

Basic award

23. The basic award is one part of the unfair dismissal compensation. It is calculated by reference to the claimant's age and length of service (5 full years with the respondent). The claimant is entitled to an award of £3,997.

Compensatory award

24. The second part of the unfair dismissal compensation is called a compensatory award. It is to compensate for losses caused by the dismissal. When we are assessing what financial loss has been caused by the dismissal, we have to consider whether the claimant could have been fairly dismissed. This is often called the 'Polkey' principle.
25. In this case:
 - 25.1 we found that the dismissal was outside the range of reasonable responses because of the respondent's failure to obtain an occupational health (OH) report about what alternative work the claimant could do, and its failure to carry out a proper search for alternative roles. We accept the evidence of Mr Wright that it would have taken the respondent around a month to obtain an up to date OH report. We found in our liability decision that the capability procedure normally includes a four week job search.
 - 25.2 If those two steps had been taken in the claimant's case, the new report and the outcome of the job search would have been ready in about 4 weeks. The report and any available jobs would then have been considered at another capability meeting which we find would have taken a further 2 weeks to arrange and hold.
 - 25.3 We accept the evidence of Mr Wright (which the claimant also accepts) that if those steps had been taken, the respondent would not have been able to find any alternative role which was suitable for the claimant to do.
26. For those reasons, we find that the claimant could and would have been fairly dismissed for capability 6 weeks after his actual dismissal date, that is on or about 14 March 2023. We do not have to make an assessment of the chance that the claimant could have remained in an alternative role or would not have been dismissed. We had cogent evidence on this point and it was not disputed by the claimant. Our finding is that there was no chance of

there being any alternative role which the claimant could perform or of the respondent deciding not to dismiss the claimant.

27. If the claimant's dismissal date had been 14 March 2023 instead of 31 January 2023, he would not have earned any more money during that additional 6 week period because he had exhausted his entitlement to statutory and employer sick pay, and he was not eligible for bonus payments in that period. The claimant would have been entitled to notice, or to notice pay in relation to dismissal on 14 March 2023, but the respondent has already paid notice pay in relation to the dismissal on 31 January 2023.
28. In other words, there are no financial losses which arise from the dismissal date being 6 weeks earlier than the date on which a fair decision to dismiss could have taken place.
29. This means there are no past or future financial losses for which the claimant is to be compensated in the unfair dismissal complaint.
30. We heard and read some medical evidence about the claimant's ability to work during this period. In light of our findings about the lack of any suitable alternative role and a subsequent dismissal, we do not need to make any findings on those medical issues.
31. We have decided to make an award for loss of statutory rights. As the dismissal took place only a short period before a fair dismissal could and would have taken place, we make an award at the lower end of the usual range, in the sum of £250.
32. The respondent suggested in the counter-schedule of loss that there should be a reduction to the compensatory award to reflect a failure by the claimant to make a grievance. We do not think it is just and equitable to make a reduction for this, when the award only relates to the loss of statutory rights and given the small amount of the award.

Discrimination compensation

33. For reasons similar to those explained above in relation to the unfair dismissal compensation, we do not make any award for financial losses in the discrimination complaint.
34. We found that the dismissal was not justified because of the respondent's failure to obtain an OH report about what alternative work the claimant could do, and its failure to carry out a proper search for alternative roles. We find that, once those steps had been taken, there would have been a non-discriminatory dismissal of the claimant 6 weeks after his actual dismissal date. There was no chance of there being a role which the claimant was able to perform. The respondent would have dismissed the claimant 6 weeks later than the actual dismissal date. Dismissal in the circumstances, where the claimant was going to be unable to perform his role on a long-term basis and no alternative role was available, would have been a proportionate means of achieving a legitimate aim.

35. The claimant is entitled to an award for injury to feelings in the discrimination complaint. An award for injury to feelings is payable to compensate for feelings of upset, frustration, worry, anxiety and other injured feelings arising from the discrimination.
36. It is the act of dismissal which we found to be discriminatory. The injury to feelings award is limited to compensation for feelings which have been injured by the dismissal; we cannot compensate in the discrimination claim for any upset which occurred because of other non-discriminatory matters, such as the accident and the injury which followed from it.
37. We have to assess how injured the claimant's feelings were, not how bad the conduct was. We accept the claimant's evidence in his liability statement that he took pleasure in his job and that after he left he had lost joy. We accept the evidence in his August 2024 updated schedule of loss that he had mental health issues after his dismissal. We make an inference that an employer's failure to consider alternative roles leading to dismissal would be likely to hurt feelings and to impact sense of self-worth.
38. We take into account that some of the things the claimant was experiencing might have been to do with the accident and his physical ill health, not just the dismissal.
39. Weighing up these elements, we have decided that the appropriate band for an injury to feelings award is the lower band, which at the relevant time was £1,100 to £11,200. We have decided to make an award in the lower part of the middle of that band, in the sum of £5,000.

Interest on injury to feelings award

40. We award interest on the injury to feelings award at 8%. The daily rate of interest is $8\% \times £5,000/365$. It is payable for the whole of the period from the date of the discrimination (in other words, the date of the dismissal) to today's date. The number of days from 31 January 2023 to 26 February 2026 is 1,122 days. The calculation is below.

Date of discrimination	31 January 2023
Date of calculation	26 February 2026
Number of days	1122
Daily rate of interest	$0.08 \times £5,000/365$
Total interest calculation	1122 days x daily rate of interest
Total interest	£1,229.59

Grossing up for tax

41. We have assumed that the award will be payable tax free as it is a payment relating to termination of employment of less than £30,000. There is therefore no need to gross up for tax.

Approved by:
Employment Judge Hawksworth

Date: 27 February 2026

Sent to the parties on: 1 May 2026

For the Tribunal Office

Recording and Transcription

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