



EMPLOYMENT TRIBUNALS

Claimant: Felicity Stewart

Respondent: Galloway European Coachlines Ltd

Heard at: Bury St Edmunds Employment Tribunal (in public, in person)

On: 20 April 2026

Before: Employment Judge Hutchings (sitting alone)

Representation

Claimant: in person

Respondent: Mr Williams, litigation consultant, Peninsula

JUDGMENT was sent to the parties on 26 May 2026 and written reasons were requested in accordance with Rule 60 of the Employment Tribunal Procedure Rules. The following written full reasons are therefore provided:

FULL REASONS

Introduction

1. On 2 June 2026 the claimant requested written reasons for the oral remedy judgment I gave to parties at the hearing on 20 April 2026. The written judgment was sent by me to tribunal administration on 20 April 2026. Checking of this by tribunal administration did not take place until 20 May 2026 and a typographical query raised the same day, hence final approval by me not being recorded on the judgment until 20 May 2026. The claimant's request was referred to me by tribunal administration on 9 June 2026. The same day I sent the following wording to tribunal administration for them to send to the parties:

The claimant's request dated 2 June 2026 for written reasons for the remedy judgment dated 20 May 2026 and sent to parties on 26 May 2026 was referred to EJ Hutchings on 9 June 2026. The same day EJ Hutchings asked tribunal administration to send the following to parties so that parties are aware of the reason for a delay in these reasons being sent out.

There is insufficient time for the reasons to be produced (as explained at the hearing) and checked by EJ Hutchings before EJ Hutchings starts a month's annual leave on 12 June 2026. EJ Hutchings returns from leave on 13 July 2026 and will check the written reasons at the first available opportunity on her

return.

2. On return from leave I had two back to back multi-day hearings. Therefore, on 22 July 2026 I sent the following wording to parties to keep them up to date with the timeline for written reasons:

The claimant's request dated 2 June 2026 for written reasons for the remedy judgment dated 20 May 2026 and sent to parties on 26 May 2026 was referred to EJ Hutchings on 9 June 2026. At EJ Hutchings's direction EJ Hutchings asked tribunal administration to inform parties that EJ Hutchings was on leave from 12 June 2026 to 13 July 2026, with no time allocated before her leave for writing. EJ Hutchings has now been allocated a writing day on 31 July 2026 for the written reasons (having been in hearings every day since returning). They will then be sent to parties by tribunal administration. Currently this is taking several weeks due to the number of claims the tribunal is processing.

3. These written reasons were sent to tribunal administration on 31 July 2026.

Introduction

4. Initially the remedy hearing was listed for 13 March 2026, following the liability hearing in November 2025. The March hearing was adjourned and reconvened for 20 April 2026. The reason the hearing was adjourned in March and reconvened in April is summarised at paragraph 1 of my case management order dated 13 March 2026 and sent to parties on 16 March 2026 (the Order); in summary time was spent considering the claimant's request for reconsideration of the liability judgment, giving reasons for refusing this request and analysing with parties their different calculations of equal pay. There was also some confusion on the part of both parties as to an appeal decision of the social security tribunal. Therefore, I suggested that parties have a look at this appeal outcome before the reconvened hearing if they considered it relevant to the tribunal's award.
5. Paragraph 4 of the Order lists the documents I had for March hearing, all of which I had before me at the April hearing; the hearing file had increased to 288 pages, the claimant's witness statement was updated based on the guidance I gave at the hearing about evidence for injury to feelings (recorded below) and both parties updated their written submissions and calculations.
6. Mindful of Rule 3(2)(a) of the Employment Tribunal Procedure Rules 2024 (the "Rules") to ensure parties are on an equal footing, to ensure that the claimant had the opportunity to present her full case on remedy, I made explained the factors a tribunal will consider in assessing an injury to feelings award. In summary, I spent some time explaining to the claimant the guidance in the case of Eddie Stobart Ltd v Miss Caitlin Graham [2025] EAT 14, in particular quoting from paragraphs 31, 32, 33, 38 – 40 and 51 – 52 of that judgment. There was limited medical evidence before me in the hearing file so the March hearing. I explained to the claimant that medical evidence is not a prerequisite to injury to feelings, and while it may be helpful, it is not necessary as the focus is how a claimant themselves explains to the tribunal the impact of the discriminatory treatment. I made the observation at the March hearing that there was little information from the claimant about the impact on her of the discriminatory treatment. As there was insufficient time to finalise remedy at the March hearing, I considered fair to allow the claimant to revisit her witness statement

for the reconvened meeting, rather than give oral evidence.

7. To assist, I made further case management order for the reconvened remedy hearing (paragraphs 6 to 18 of the Order).

Successful complaints

8. At the liability hearing I upheld the following complaints and it is for these remedy was awarded at the April hearing as follows:

Failure to pay equal pay

9. An award of £4,378.96 gross calculated as follows:

- 9.1. Wages shortfall of £3,960.56; and
- 9.2. Interest of £418.40.

10. The interest is calculated as follows:

- 10.1. 963 days from date equal pay should have been paid until date of end of employment (1.9.23 to 20.4.26);
- 10.2. 482 days between mid point and end of employment (963 divided by 2);
- 10.3. Daily interest for this period at 8%;
- 10.4. Calculation for interest: $482 \times 1/365 \times 0.08 \times £3,960.56 = £418.40$.

Direct sex discrimination

11. A compensatory award of £10,407.34 net calculated as follows:

- 11.1.1. £9,412.92: lost wages taking account of what the claimant would have earned had her employment continued, adjusted to take account of the different universal credit payments received by the claimant when working for the respondent and following the end of the claimant's employment, and a finding that the claimant was not under a duty to mitigate loss during this period; and

- 11.1.2. Interest of £994.42, calculated as follows:

- 11.1.2.1. 963 days from date equal pay should have been paid until date of end of employment (1.9.23 to 20.4.26);
- 11.1.2.2. 482 days between mid point and end of employment (963 divided by 2);
- 11.1.2.3. Daily interest for this period at 8%;
- 11.1.2.4. Calculation for interest: $482 \times 1/365 \times 0.08 \times £3,960.56 = £994.42$.

The Tribunal has not grossed up with award as it is within the limits of the tax free sum.

12. Compensation for injury to feelings of £2,422.40 calculated as follows:

- 12.1.1. £2,000 injury to feelings; and
- 12.1.2. Interest of £422.40 calculated as follows:

- 12.1.2.1. 963 days from dated equal pay should have been paid until date of end of employment (1.9.23 to 20.4.26);
- 12.1.2.2. Daily interest for this period at 8%;
- 12.1.2.3. Calculation for interest: $963 \times \frac{1}{365} \times 0.08 \times £2,000 = £422.40$.

Procedure

- 13. For the March hearing both parties, following my case management directions, had calculated the amount the claimant would have been paid had she received the same rate of pay as the male colleague I had determined undertook the same or similar work as the claimant. These figures were discussed, and the basis for their arriving at different amounts, was discussed at the March hearing.
- 14. At the April hearing, after some further discussion about the difference in figures, and the reasons for these (given both parties had undertaken the same calculation: number of hours worked by the claimant in the relevant period multiplied by the hourly rate of the male colleague), Mr Raven, who is a director of the respondent and who attended the remedy hearing, agreed to the claimant's figures as a means of resolution. Therefore, it was not necessary for me to determine the equal pay award, as this was agreed by consent, at the April hearing, or make findings in respect of this. I exercised my discretion to award interest, for the reasons set out below, the calculation for which is above.
- 15. As to the award for discrimination, Mr Williams asked the claimant questions about the evidence in her statement regarding the injury to feelings and both parties supplemented their written submissions with oral closing statements. In summary, Mr Williams suggested that the language in the claimant's witness statement "is overly emotive compared to reality" and suggested that there had been a "reinterpretation of events to make them appear more serious". Mr Williams noted that "there is a lack of doctor notes, prescriptions and reports from specialists" and that "it should be available and it should have been provided", inviting me to "exercise caution". Mr Williams told me that the uplift sought by the claimant of up to 25 percent, telling me the respondent had complied with the ACAS code at both stages, the respondent had conducted an independent hearing into the claimant's grievance.
- 16. In response to Mr Williams comment about the lack of medical evidence, the claimant told me that I had told her at the last hearing that there was no need to worry about medical evidence. I do not recall using the words "no need to worry" and there is no record of my having used those words in the record of hearing. In guiding the claimant to the Eddie Stobbart decision, I made the observation that medical records are not a prerequisite and not necessary for an injury to feelings award and given the month between the adjourned and reconvened hearing there may not be sufficient time to obtain records from a GP (no records had been disclosed by the claimant for the March hearing). If this was the case, I wanted to reassure the claimant that the key evidence, as outlined in the Eddie Stobbart case, is the claimant's own description of how the discriminatory behaviour made her feel and the impact on her health. I spent some time at the March hearing explaining the guidance provided at paragraph 52 of this case, suggesting these were things she may wish to address in her witness statement, in the absence of any medical evidence.

17. I summarise below the guidance I gave to the claimant at the March hearing. A more detailed explanation is set out in the relevant law section.
18. In **Eddie Stobbart Ltd v Graham [2025] EAT 14** President Clarke set out points for the Tribunal to consider when determining injury to feelings, which include (in summary):
- 18.1. There can be no award of compensation without evidence of injury. The Tribunal will consider the claimant's description of their injury, the duration of the consequences for the claimant, the effect of past current and future work, and the effect on the claimant's personal life and quality of life.
- 18.2. Where there is evidence of discrimination, there will be some injury to feelings.
- 18.3. The tribunal should not lose sight of the fact that it is compensating a claimant for the injury suffered, rather than punishing the respondent for the manner of the discrimination. However, the manner of discrimination may be a useful guide to inferring the degree of injury suffered where evidence is otherwise limited.
- 18.4. If the discriminatory conduct is overt or carried out openly, with not attempt to disguise or hide it, this may be more likely to cause distress and humiliation because the claimant has understood at the time that there was an intention or motivation to discriminate.
- 18.5. If the discriminatory conduct takes place in front of other people, this may be more likely to cause greater harm. The Tribunal may consider whether the claimant was subject to exposure or ridicule or humiliation.
- 18.6. If there is an imbalance of power or influence or access to information, this again may be more likely to cause greater harm. The Tribunal may consider whether the claimant was subject to disciplinary threats or exclusion.

Findings of fact

19. The findings of fact made in the liability judgment dated 5 January 2026 and sent to parties on 8 January 2026 are relied on even if they are not repeated below. I made the following findings of fact at the remedy hearing.
20. Had the discriminatory treatment not occurred, and the claimant not resigned, I find that she could returned to work at end of her sick note in October 2024 (there is no evidence before me that this period of sick leave would have been extended). I have taken account of the fact that she would be searching for new employment, and of her description of the stress she was experiencing at this time. I have also taken account of the fact that she was an extremely conscientious and diligent worker who has undoubtedly attention to detail and drive, which was apparent in her evidence of her approach to work and the tasks she undertook while employed by the respondent. Indeed, while not relevant to my findings, I note her diligent approach to and the evident research she has undertaking in bringing these proceedings. In this regard I find that the

claimant was keen to return to the workplace and would have done so within nine months of her resignation.

21. I find that while there were issues with how the grievance was conducted by reference to the ACAS guidance, the respondent followed the procedure in its written grievance policy, the claimant was aware of this policy and did not raise any concerns by reference to ACAS guidance at the time. The claimant was told that she could be accompanied by a colleague at the grievance meeting and did not ask if she could be accompanied by a trade union representative at the time.
22. There is no evidence before me that the discrimination was carried out in an overt or malicious manner. The evidence before me is of a small business that was run to some extent in an ad hoc way where individual roles were not clearly defined and where there was cross over in colleagues' tasks with employees picking up things outside their contractual terms. At the liability hearing, there was evidence before me that, on occasion, the administration of the business was disorganised but there is no evidence of a conscious decision to pay the claimant differently when she was doing work similar to male colleagues.
23. Furthermore, I am mindful of my finding in the liability judgment that I have upheld an equal pay claim where the claimant has asked me to compare the work of a salaried employee (her) to male colleagues paid by an hourly rate. This finding informed the directions I made for calculation of the equal pay claim, with both parties applying the hours they say the claimant actually worked to the hourly rate of the comparator. Applying this formula, and disregarding any hours the claimant says she would have worked, which is speculative and about which I do not consider it appropriate to make a finding, the respondent's calculation was higher.
24. The claimant was not paid equally from the start of her employment, which parties agree was 1 September 2023.
25. The claimant is in receipt of universal credit and has provided a helpful breakdown of the universal credit payments she received while working for the respondent and the payments she received after her employment ended. She explained the differential between these to me at the hearing.
26. In February 2025 the claimant returned to work. I find she has mitigated her loss in doing so.
27. The evidence before me at the liability hearing is that the claimant was a conscientious and hard working employee. She was proactive in making suggestions in the workplace, without doubt very organized in the execution of her role and ambitious in wanting to progress and excel in her career. I find, based on the claimant's personal written and oral evidence of how being paid less than male colleagues made her feel, that the discriminatory treatment caused her stress and upset. Her decision to bring the grievance and the records of the concerns she raised in this process evidence the stress and upset she was feeling. There is no doubt that she had a profound sense of being undervalued for the work she undertook compared to male colleagues.
28. This feeling, in my judgment, continued for the duration of the employment and for a period thereafter. I find that the impact did become less pronounced in

October 2024 and there is no evidence before me that the claimant obtained a sick note after this time. Indeed, I find that her condition improved after this time to the extent that she was able to obtain her PCV licence in 2025.

29. Without doubt the claimant has demonstrated fortitude and resilience in setting herself this goal. There is limited medical evidence of the mental health concerns the claimant speaks about. That said, I am mindful this may be a result of having limited time to obtain medical records, something I acknowledged at the March and April hearings.
30. The claimant spoke of how the treatment had impacted her social life and hobbies. She told me as a result of leaving her job with the respondent, she was no longer able to maintain her horses, which had impacted her friendships, which had centered on this hobby.
31. In her witness evidence the claimant says she experiences migraines and seeks injury to feelings as a result of this condition. I have no doubt that the claimant experiences migraines from her description of the condition in her witness statement and in her oral evidence to the tribunal and that this condition was severe and impeded her ability to work. Medical evidence is not necessary for me to make this finding. However, the evidence before me is that the migraines are caused by working with screens and are not a direct result of not being paid the same as male colleagues or of the discriminatory treatment the claimant experienced. To some extent the treatment would, in my judgment, have exacerbated the claimant's migraines, but as this was a pre-existing condition I cannot find that the treatment caused them.

Relevant law

Equal pay

32. The right to equality of terms, formerly called equal pay, is contained in the Equality Act 2010 ("EqA"), sections 64 to 80 and sections 127 to 135. If a tribunal finds that there has been a breach of the sex equality clause (failure to pay equal pay) it may make a declaration as to the rights of the parties (for example, stating what pay or rate of pay the individual is entitled to). The tribunal may also order an award of arrears of pay or damages pursuant to section 132 EA 2010.

132 Remedies in non-pensions cases

- (1) This section applies to proceedings before a court or employment tribunal on a complaint relating to a breach of an equality clause, other than a breach with respect to membership of or rights under an occupational pension scheme.*
- (2) If the court or tribunal finds that there has been a breach of the equality clause, it may—*
 - (a) make a declaration as to the rights of the parties in relation to the matters to which the proceedings relate;*
 - (b) order an award by way of arrears of pay or damages in relation to the complainant.*
- (3) The court or tribunal may not order a payment under subsection (2)(b) in respect of a time before the arrears day.*
- (4) In relation to proceedings in England and Wales, the arrears day is, in a case mentioned in the first column of the table, the day mentioned in the second*

column.

33. A limit is imposed on the period over which arrears of pay may be claimed (s132(4)). In the standard case arrears over the preceding 6 years may be awarded, provided that a claimant has worked for that period; the amount of award for arrears of pay is limited to the period for which an employee has worked for an employer and not been paid equal pay, unless the failure to award equal pay has been concealed. The award for arrears of pay is made gross. The tax liability arises in the year of entitlement not in the year of eventual payment. There is no limit on a week's pay. Interest can be awarded for arrears of pay at the discretion of the tribunal and will be calculated according to the mid-point rule

Compensatory award

34. Section 124(1)(2) and (6) set guide a tribunal on the assessment of compensation where a discrimination complaint has been upheld:

Remedies: general

(1) *This section applies if an employment tribunal finds that there has been a contravention of a provision referred to in section 120(1).*

(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.*

.....

(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*

35. Section 119(2) provides:

.....

(2) *The county court has power to grant any remedy which could be granted by the High Court—*

(a) *in proceedings in tort;*

(b) *on a claim for judicial review.*

.....

36. The aim of a compensation award in a complaint of discrimination is to put the claimant in the position, so far as is reasonable, that he or she would have been had the tort not occurred (Ministry of Defence v Wheeler [1998] IRLR 23 and Chagger v Abbey National plc [2010] IRLR 47). The sum is not determined by what the tribunal considers just and equitable in the circumstances as it would do in an unfair dismissal award (Hurley v Mustoe (No 2) [1983] ICR 422), though the two approaches will often generate the same result.

37. Causation and remoteness limit the damages available to a claimant; only those losses caused by the unlawful act will be recoverable. Losses that are too remote and unforeseeable will not be recoverable. The award is net. There is no limit on a week's pay - the claimant's actual net pay will be used in the calculation of loss. There is no statutory limit to the number of weeks' loss that

can be awarded. The award can be adjusted for contributory conduct and / or a failure by the employer/employee to comply with the ACAS Code of Practice for Grievance and Disciplinary Procedures can also be made. Recoupment does not apply to compensation for discrimination.

Injury to feelings

38. In the case of *Eddie Stobart Ltd v Miss Caitlin Graham* [2025] EAT 14, the President of the Employment Tribunal sets out a comprehensive summary of the relevant case law and the basis on which a tribunal can make an award for injury to feelings. I set out that summary below direct from paragraphs 30 to 50 of that judgment.

39. [30]. By section 124(2)(b) EqA, the remedy for discrimination may encompass an order by an ET that the respondent pays compensation. Compensation is assessed in the same way as any other tortious claim, corresponding to the amount that can be awarded by a County Court or Sheriff: it should return the injured party to the same position they would have been in but for the unlawful conduct. This applies equally to awards for injury to feelings (see, generally, *Ministry of Defence v Cannock* [1994] IRLR 509). Such awards address non-pecuniary losses, and so are a form of general damages (in Scotland, “solatium”): a sum to compensate for pain, suffering and loss of amenity. They can also be made for claims of detriment under Part V ERA (see *South Yorkshire Fire & Rescue v Mansell* UKEAT/0151/17), and which would include section 47C ERA.

40. [31]. The five key points of principle were established by the EAT, nearly 30 years ago, in *Armitage, Marsden and HM Prison Service v Johnson* [1997] IRLR 162 (at paragraph 27): (1) (2) (3) (4) (5) 32. 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. 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, to use Lord Bingham's phrase, be seen as the way to untaxed riches. 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. 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. Finally, tribunals should bear in mind Lord Bingham's reference to the need for public respect for the level of awards made. These principles were approved by the Court of Appeal in *Vento v Chief Constable of West Yorkshire Police (No.2)* [2003] IRLR 102, which further said this (at paragraphs 50 and 51):

“It is self-evident that the assessment of compensation for an injury or loss, which is neither physical nor financial presents special problems for the judicial process, which aims to produce results objectively justified by evidence, reason and precedent. Subjective feelings of upset, frustration, worry, anxiety, mental distress, fear, grief, anguish, humiliation, unhappiness, stress, depression and so on and the degree of their intensity are incapable of objective proof or of measurement in monetary terms. Translating hurt feelings into hard currency

is bound to be an artificial exercise.

Although they are incapable of objective proof or measurement in monetary terms, hurt feelings are none the less real in human terms. The courts and tribunals have to do the best they can on the available material to make a sensible assessment, accepting that it is impossible to justify or explain a particular sum with the same kind of solid evidential foundation and persuasive practical reasoning available in the calculation of financial loss or compensation for bodily injury. In these circumstances an appellate body is not entitled to interfere with the assessment of the employment tribunal simply because it would have awarded more or less than the tribunal has done. It has to be established that the tribunal has acted on a wrong principle of law or has misapprehended the facts or made a wholly erroneous estimate of the loss suffered. Striking the right balance between awarding too much and too little is obviously not easy.”

41. At paragraph 65 of *Vento*, the Court of Appeal then set out the bands for which its judgment is best known and quoted daily in Employment Tribunal hearings:

41.1. The top band should normally be between £15,000 and £25,000. Sums in this range should be awarded in the most serious cases, such as where there has been a lengthy campaign of discriminatory harassment on the ground of sex or race. This case falls within that band. Only in the most exceptional case should an award of compensation for injury to feelings exceed £25,000.

41.2. The middle band of between £5,000 and £15,000 should be used for serious cases, which do not merit an award in the highest band.

41.3. Awards of between £500 and £5,000 are appropriate for less serious cases, such as where the act of discrimination is an isolated or one-off occurrence. In general, awards of less than £500 are to be avoided altogether, as they risk being regarded as so low as not to be a proper recognition of injury to feelings.

42. [34.] As the Court of Appeal said of the *Vento* bands in *Kemeh v Ministry of Defence* [2014] IRLR 377 (at paragraph 54): “they are designed to ensure a measure of consistency and fairness in the way in which tribunals approach their task”, before adding the essential reminder that “the aim is to compensate for genuinely injured feelings, not to punish an employer for bad management or poor personnel practice”.

43. [35.] By way of guidance issued annually since 2017, following the invitation of the Court of Appeal in *De Souza v Vinci Construction (UK) Ltd* [2017] IRLR 844 (paragraph 34), these figures are now annually adjusted for inflation through the vehicle of Presidential Guidance promulgated by the Presidents of Employment Tribunals.

44. [36.] As the EAT observed in *HM Land Registry v McGlue* (UKEAT/0435/11, paragraph 25), such awards are “not susceptible of close calculation” and “will not be interfered with unless they are manifestly excessive or wrong in principle”.

45. [37.] It is clear that, when quantifying the appropriate amount to award for injury

to feelings, the tribunal must focus on the effect of the discriminatory act upon the particular claimant. The tribunal is required to compensate for the injury suffered, not the manner of the discrimination. As the band categorisation in Vento implicitly acknowledges, however, it is difficult to do this without reference to whether the discrimination causing the injury is more (or less) “serious”. As I will explore further below, the manner of discrimination can, in certain circumstances and if used with caution, provide a benchmark for assessing severity of the injury.

Conclusions

46. Had the claimant been paid the same as the comparator, the respondent has agreed she would have been paid £3,960.56 more than she was paid for her contracted hours. I do not consider the hours the claimant says she would have done as overtime relevant. This award is the difference in pay between the claimant and the comparator from the start of the claimant’s employment (1 September 2023) to the date of the remedy hearing (20 April 2026). The interest calculation is based on the mid point date between 1 September 2023 and 20 April 2023.
47. I exercised my discretion to award interest on this amount, calculated according to the mid point rule. The interest calculation is set out above.
48. In assessing the compensatory award I have taken account of the fact it was the claimant who resigned from her role. I have found that she was able to work from October 2024 as there is no evidence that she would have been signed off sick after this date, however I have factored in that there would be a period of time after this for her to secure alternative employment paid at a similar rate and that she was training to a PCV licence. The claimant was in receipt of universal credit payments during her employment. These increased after her employment ended (she helpfully provided a detailed spreadsheet of the universal credit payments for both periods). Therefore, I have awarded compensation for a period of 9 months after the end of her employment and awarded interest on this amount.
49. As to the award for injury to feelings, in analysing the evidence of injury I am mindful of the EAT decision in Cannock (paragraph 90) that an award “is not automatically to be made whenever unlawful discrimination is proved or admitted”. I have taken account of the fact that there must be some evidence of injury and that I must not make assumptions. I have focused on compensating the claimant for the level of injury suffered, rather than the manner of the discrimination, hence my guidance to the claimant at the March hearing about providing a witness statement detailing her injury as I did not have one before me at that hearing and while I could hear oral evidence, given the need to adjourn the hearing due to time constraint, I considered it fair to the claimant that she have the opportunity to think about this and write it down rather than relaying her injury “on the spot” in oral evidence.
50. In so doing I took account of my finding that the discrimination was not overt and that the fact the respondent failed to pay the claimant an unsociable hours rate when the same had been paid to male colleagues was rather complicated by the fact that the claimant was a salaried employee and her colleagues were paid an hourly rate. I concluded in this regard the failing on the part of the respondent was not intentional, and the difference in treatment related to

commonality of the roles actually carried out by each, albeit they were employed on different terms. I have considered the claimant's description of injury mindful of this context.

51. I have found that the claimant suffered upset as a result of the difference in treatment and stress and anxiety as a result of the grievance she brought not being upheld. I have found that this may have exacerbated her migraines, but this was an underlying condition related to working with screens and was not caused by the discriminatory behaviour. I have found that the claimant did not have evidence that she would have been signed off work after she resigned, but have considered this alongside the fact that she did not obtain new employment until the following. I have concluded that the treatment she experienced delayed her ability to do so and to achieve her PCV licence. There is no doubt that the claimant was a hard working, conscientious employee whose self esteem and self worth was impacted by not being paid the same as colleagues. However, there is no finding of severe or long term injury. There is no finding of ridicule, intended humiliation or overt discrimination.
52. For these reasons I consider the evidence of the claimant's injury to fall firmly within the lower Vento band and made an award of £2,000. The claimant has waited considerable time for the remedy hearing and in these circumstances I exercise my discretion to award interest.

Approved by:

Employment Judge Hutchings

31 July 2026

SENT TO THE PARTIES ON
12 August 2026

FOR THE TRIBUNAL OFFICE

Notes

All judgments (apart from judgments under Rule 51) and any written full 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/