



EMPLOYMENT TRIBUNALS

Claimant: Ms M Dudeja

Respondent: Nine Food Group Limited

Heard at: East London Hearing Centre (by CVP)

On: 22 May 2023

Before: Employment Judge Beyzade

Representation
Claimant: Mr N O'Brien, Counsel

Respondent: Not present and not represented

JUDGMENT

The judgment of the Tribunal is that:

- 1) The respondent not being present, nor represented, at this Hearing, despite Notice of this Hearing by Clod Video Platform having previously been sent to them on 16 March 2023, and the respondent not having lodged any ET3 response to defend the claims, nor sought to extend time for lodging any ET3 response, and the Clerk to the Tribunal having contacted the respondent during today's Hearing by telephone and email in order to seek to ascertain the reason for the respondent's non-attendance at this Hearing (to which there was no reply), to participate to such extent as might be allowed by the Employment Judge, and the claimant, being present to give evidence, and represented, and being willing and able to proceed with this listed Hearing, the Tribunal decided, in terms of Rule 47 of Schedule 1 of the *Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013*, to proceed with this Hearing in the absence of the respondent, it being in the interests of justice and consistent with the Tribunal's overriding objective to do so, in terms of *Rule 2*, to deal with the case justly and fairly, in particular to avoid any further, unnecessary delay in these Tribunal proceedings determining liability and if appropriate remedy for the claimant.
- 2) The respondent discriminated against the claimant in terms of Section 13 of the *Equality Act 2010* and the respondent is ordered to pay to the claimant the sum of £38,421.73 by way of compensation (comprising £30,000.00 injury to

feelings, £4342.80 interest and £3805.03 loss of earnings plus £273.90 interest calculated in accordance with the *Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996*).

- 3) The respondent subjected the claimant to harassment in terms of section 26 of the *Equality Act 2010*, but no separate award of compensation is made.
- 4) The claimant's remaining claims (which include age discrimination, disability discrimination, race discrimination, unlawful deduction of wages [wage arrears and holiday pay], and other payments) are dismissed pursuant to Rule 52 of Schedule 1 of the *Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013* following withdrawal of those claims by the claimant.
- 5) Furthermore, the respondent is ordered to pay to the claimant the claimant's costs assessed in the sum of £960.00 (including VAT) pursuant to Rule 76(1)(a) of Schedule 1 of the *Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013* on the ground that the respondent has conducted itself otherwise unreasonably.

Employment Judge Beyzade
Date: 22 May 2023