



Summary

EMPLOYMENT TRIBUNAL CASES OVERVIEW

1. EMPLOYMENT TRIBUNAL (2019–2022)

Case References: 2206071/2019 and 2200216/2020

Jurisdiction: London Central Employment Tribunal

Judgment Date: 5 July 2022 (reserved)

Claimant: “Z,” a Black British man of Nigerian descent

Claims: Challenged Commerzbank and several individual respondents under the Equality Act 2010 and Working Time Regulations 1998 (concerning outstanding annual leave).

Outcome:

- All claims under the Equality Act 2010 were dismissed.
- The Working Time Regulations claim was also rejected.
- Final Result: All claims dismissed

2. New Claims – Sex Equality and Equal Pay (2020–2023)

Case Reference: 2203369/2020

Proceedings: Claim for breach of the sex equality clause under §66 of the Equality Act 2010 and direct sex discrimination.

Claim Form Filed: 9 June 2020

- Among four separate claims, the second involved an alleged pay disparity between Z (£50k) and comparators (female colleagues at £53k and £58k) [assets.pub...ice.gov.uk].

Final Hearing:

- Dates: 18–20 September & 31 October 2023; in chambers on 22 November 2023

Tribunal Decision: Claims were deemed out of time.

- The tribunal dismissed the sex equality and equal pay complaints, citing that pay differences were attributed to material factors rather than sex-based discrimination

Outcome:

Final Result: Claim dismissed

3. Procedural Sanctions & Costs (2023 Verdict)

- Background: Z alleged sexual harassment (a “vest under shirt” remark) and race-related discrimination.
- The tribunal found Z’s tactics to be burdensome, dishonest, and lacking probative value (e.g., covert recordings, partial or late document production)

Consequences:

- Deposit orders were imposed; failure to pay led to multiple claims being struck out.
- The tribunal described Z’s conduct as “pure invention” and deemed him “unworthy of belief.”
- Z was ordered to contribute £20,000 towards the bank’s legal costs



4. Employment Appeal Tribunal (EAT) – Anonymity & Appeal (2024)

Focus: Z appealed the revocation of his anonymity order and the tribunal's costs order.

Decision:

- The EAT ruled that the Sexual Offences (Amendment) Act 1992 does not apply to civil or tribunal proceedings and upheld the decision to lift anonymity.
- The tribunal was justified in revoking anonymity after finding fabricated or dishonest evidence.

Z’s liability for costs was confirmed.

After thorough deliberation, the tribunal ultimately reached a decision to revoke the anonymity order.

The case centred on an individual who faced severe allegations of sexual assault and sexual harassment, resulting in their dismissal from employment. However, through extensive proceedings at the Employment Tribunal, the accused party successfully defended their position and was comprehensively exonerated of all charges. What made this case particularly noteworthy was that despite the tribunal's finding that the accusations were demonstrably false, the accuser initially retained their court-ordered anonymity protection even after the fraudulent nature of their claims had been conclusively established.



claims had been conclusively established.

Following the vindication of their position, the accused individual took the significant step of formally requesting the tribunal to remove the anonymity order that protected their accuser's identity.

IMPACT

The profound impact of these false allegations on the accused individual cannot be understated. Despite their complete exoneration, they endured substantial personal and professional damage, including severe reputational harm, significant financial losses, destruction of their public image, erosion of trust from their community, potential breakdown of family relationships, and serious psychological consequences including intense stress, anxiety, clinical depression, and potential suicidal thoughts - all resulting from allegations that were ultimately proven to be entirely false.

The Tribunal's reasoning was clearly articulated in point 72 of their judgment:

'A complainant in a rape case must not be at risk of losing ... anonymity simply because the defendant is acquitted.We cannot accept the contrary view, namely that any allegation ostensibly within the reach of the 1992 Act attracts protection which is lifelong and irrevocable regardless of judicial finding subsequently made following a comprehensive hearing that it was false to the point of being simply made up.....is that the privacy order made on the strength of it was equally dishonest and the resulting orders were secured on the basis of gross and wilful misrepresentations. We simply cannot accept that the law is powerless to separate the Claimant from a protection order to which, as is now apparent, he was never entitled.....We cannot disagree with Ms McCann that if it did, it would make a mockery of the protection order which the 1992 Act is designed to enshrine.'

KEY OUTCOMES FOR DAMILARE AJAO

Employment Tribunal (February 2022):

His claims of sexual harassment, sexual assault, racial discrimination, victimisation, wrongful dismissal, and contract breach were dismissed. The tribunal judge described his testimony as "manifestly untrue" and "false and in large part made up."

Contempt Proceedings Initiated (March 2023):

Commerzbank began contempt of court proceedings against him in the High Court, alleging that he had knowingly given false evidence under oath and fabricated supporting documents, including a "work diary" meant to corroborate his allegations.

High Court Judgment (November 7, 2025):

Mr Justice Martin Spencer found Ajao guilty of "serious contempt of court," calling his actions "a deliberate and wicked assault" on the reputation of the colleague he accused. He made clear that "there wasn't a shred of truth in any of the allegations."

Sentence and Financial Penalties

Imprisonment:

Ajao was sentenced to 20 months in prison, required to serve at least 40% of the term before eligibility for release.

Legal Costs:

He was ordered to pay £150,000 towards Commerzbank's legal expenses.

IMPACT STATEMENT

The false allegations levelled against the accused individual caused devastating and far-reaching consequences, despite their complete exoneration. These allegations inflicted severe personal and professional harm, including:

REPUTATIONAL DAMAGE:

The individual's public image was irreparably tarnished, leading to widespread mistrust and loss of credibility within their community and professional circles.

FINANCIAL LOSSES:

Significant costs were incurred in defending against the allegations, compounded by potential loss of income and career opportunities.

PSYCHOLOGICAL TRAUMA:

The accused endured intense emotional distress, including chronic stress, anxiety, and clinical depression. The ordeal escalated to the point of potential suicidal ideation, underscoring the gravity of the harm inflicted.

SOCIAL AND FAMILIAL STRAIN:

Relationships with family and friends were severely impacted, resulting in isolation and erosion of vital support networks.

PROFESSIONAL CONSEQUENCES:

The allegations disrupted the individual's career trajectory, causing long-term damage to professional standing and future prospects.

These impacts were the direct result of allegations that were ultimately proven to be entirely false. The tribunal's judgement recognised the seriousness of this injustice, emphasising that the misuse of anonymity protections undermines the integrity of the legal process and the purpose of the 1992 Act.

https://assets.publishing.service.gov.uk/media/663b86841834d96a0aa6d2b3/Mr_Damilare_Ajao_v_Commerzbank_AG_and_Others_-_2206071-2019_2200216-2020_.pdf

Commerzbank AG v Damilare Ajao
[2024] EWHC 3168 (KB)

THE STRESS COMPANY LTD
www.stresscompany.co.uk



Scan me to contact Seán

07588 668819
sean@stresscompany.co.uk

