



## EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**v**

**Ms S Dieme**

**Holland and Barrett Retail Ltd**

**Heard at: London Central Employment Tribunal**

**On: 23-30 June 2023**

**Before: EJ Webster  
Mr J Carroll  
Ms D Keyms**

### **Appearances**

**For the Claimant:**

**In person**

**For the Respondent:**

**Ms Moss (Counsel)**

## **JUDGMENT**

Judgment

1. The Claimant's claims for direct race discrimination are not upheld.
2. The Claimant's claims for unauthorised deductions from wages are not upheld.
3. The Claimant's claim for wrongful dismissal is upheld.
4. The Claimant's claim for unfair dismissal is upheld.

No award has been yet been made in respect of damages save for the following relevant findings.

- (i) It is just and equitable to reduce relevant damages by 80% because of the Claimant's blameworthy or culpable conduct before the dismissal, pursuant to ERA sections 122(2); and section 123(6)
- (ii) No reduction should be made to any compensatory award to reflect the possibility that the claimant would still have been dismissed had a fair and reasonable procedure been followed / have been dismissed in time anyway? (Polkey v AE Dayton Services Ltd [1987])

A remedy hearing shall be listed shortly.

Employment Judge Webster

Date: 30 June 2023

JUDGMENT and SUMMARY SENT to the PARTIES ON

03/07/2023

FOR THE TRIBUNAL OFFICE

*Note: Reasons for the decision having been given orally at the hearing, written reasons will not be provided unless a written request is received from either party within 14 days of the sending of this record of the decision.*