



# EMPLOYMENT TRIBUNALS

**Claimant:** Ms M Griffith  
**Respondent:** Primark Stores Limited  
**Heard at:** East London Hearing Centre  
**On:** 3, 4, 5, 9 and 10 January 2018  
**Before:** Employment Judge Russell  
**Members:** Ms M Long  
Mrs P Alford

**Representation**  
**Claimant:** Ms N Thomas (McKenzie Friend)  
**Respondents:** Ms L Bell (Counsel)

**UPON** Reasons being given orally at the hearing and both parties confirming that they did not request written reasons:

## JUDGMENT

1. The Claimant was unfairly dismissed. The reason for dismissal was conduct. The Respondent acted unreasonably in treating the Claimant's conduct as sufficient reason for dismissal in accordance with the equity and substantial merits of the case.
2. The Claimant contributed to her dismissal. The basic and compensatory awards shall be reduced by 15%.
3. The Claimant was wrongfully dismissed. The Respondent has not proved that she committed an act of theft or committed a repudiatory breach of contract.
4. The claim of race discrimination fails and is dismissed.
5. The application for reinstatement and/or reengagement is refused as it is not reasonably practicable.
6. The Respondent shall pay the following sums to the Claimant:
  - 1.1 £1,620 in respect of 12 weeks' notice (12/3/17-3/5/17) as damages for breach of contract.

**1.2 A basic award of £2,203.20 (12 years x 1.5 @ £144 per week - 15%)**

**1.3 A compensatory award of £9,211.71 comprising:**

- (i) Loss of earnings 5/5/17 to 10/1/18 @ £177.24 pwk: £5,583.06 – 15%**
- (ii) Loss of earnings 11/1/18 to 11/7/18 @ £177.24 pwk: £4,608.24 – 15%**
- (iii) Loss of statutory rights: £500 - 15%**
- (iv) Expenses incurred seeking alternative employment: £146 – 15%**

**7. For recoupment purposes: (a) monetary award: £13,034.91; (b) prescribed element: £6,363.50; (c) period of prescribed element: 12/3/17 to 10/1/18. The excess of the monetary award over the prescribed element is £6,669.31.**

**8. The Claimant has paid fees in connection with this claim. In R (on the application of UNISON) v Lord Chancellor [2017] UKSC 51 the Supreme Court decided that it was unlawful for Her Majesty's Courts and Tribunals Service (HMCTS) to charge fees of this nature. HMCTS has undertaken to repay such fees. In these circumstances I shall draw to the attention of HMCTS that this is a case in which fees have been paid and are therefore to be refunded to the Claimant. The details of the repayment scheme are a matter for HMCTS.**

Employment Judge Russell

11 January 2018