



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr L McKenzie  
**Respondent:** Hugo Boss UK Limited  
**Heard at:** East London Hearing Centre  
**On:** 18 January 2019  
**Before:** Employment Judge Russell  
**Members:** Ms L Conwell-Tillotson  
Mr M Rowe

**Representation**  
**Claimant:** Mr K Nathan (Consultant)  
**Respondents:** Mr D Soanes (Solicitor)

## JUDGMENT

1. The claims of direct discrimination because of race and/or sex fail and are dismissed.
2. The claim of unfair dismissal succeeds as a fair procedure was not followed due to material failures at the appeal.
3. If a fair appeal had taken place, there is a 100% chance that the Claimant would have been dismissed in any event.
4. The Respondent unreasonably failed to follow the ACAS procedure in respect of the appeal. The compensatory award is uplifted by 10%.
5. There is no reduction for contributory fault.
6. The Claimant is awarded the following sums:
  - 1) Basic award: £1,956 (4 years' service x 1 = 4 weeks' pay @ £489)

**2) Compensatory award: £500 for loss of statutory rights. The Claimant did not suffer any loss of earnings by reason of the unfairness at the appeal stage.**

**3) ACAS uplift on the compensatory award: £50**

**Employment Judge Russell**

24 January 2019