



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr H M Harran

**Respondent:** Memory Lane Cakes Ltd

**Heard at:** Cardiff

**On:** 15, 16 and 17 April 2019

**Before:** Employment Judge S Davies  
Ms C Lovell  
Ms L Thomas

**Representation**

**Claimant:** Mr J Morgan, counsel

**Respondent:** Mr G Probert, counsel

## JUDGMENT

1. It is the unanimous decision of the Employment Tribunal that:
  - a. The complaint of direct race discrimination is dismissed;
  - b. The claim of unfair dismissal is upheld;
  - c. The claim of wrongful dismissal is upheld;
  - d. The Claimant contributed to his dismissal and a deduction of 10% from compensation is made; and
  - e. The Respondent unreasonably failed to follow the ACAS Code on Disciplinary and an uplift of 25% is awarded
2. Compensation is upheld in the following sums:
3. Basic award  
Number of qualifying weeks (3) x Gross weekly pay (350.99) 1,052.97 Less contributory fault @ 10% -105.30

**Total basic award**

**£947.67**

4. Damages for wrongful dismissal

Damages period (3) x Net weekly pay (381.71) 1,145.13 Plus uplift @ 25% 286.28

**Total damages** **£1,431.41**

5. Compensatory award (loss to date of hearing)

Loss of net earnings

Number of weeks (109.7) x Net weekly pay (381.71) 41,873.59

Plus loss of statutory rights 300.00

Less sums obtained through mitigation -25,028.28

Plus uplift @ 25% 4,286.33

Less contributory fault @ 10% -2,143.16

Application of compensation cap of £18,188

**Compensatory award after adjustments** **£18,188.00**

**Total** **£20,567.08**

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Employment Judge S Davies

Date 18 April 2019

JUDGMENT SENT TO THE PARTIES ON

.....27 April 2019.....

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FOR THE TRIBUNAL OFFICE

NOTE: Reasons were given orally at the hearing. In accordance with Rule 62 (3) of the Employment Tribunal Rules of Procedure 2013, no written reasons will be provided unless requested by a party at the hearing or in writing within 14 days of sending the written record of the decision.

