



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mr I Okeke

AND

Respondent
Priory Healthcare Ltd

JUDGMENT MADE AT A HEARING

HELD AT Birmingham

ON 3 to 7 & 10 to 13 August 2020

EMPLOYMENT JUDGE Hughes

MEMBERS: Mrs I Fox
Mr T Liburd

Representation

For the Claimant: In person

For the Respondent: Mr J Gidney, Counsel

JUDGMENT

The unanimous decision of the Employment Tribunal is that:

- 1 The claimant was constructively unfairly dismissed.
- 2 The claimant's claims of direct race in respect of allegations (e), (g), (n), (o), and (t) are well-founded.
- 3 The claimant's claims of direct race in respect of allegations (a), (b), (c), (d), (f), (j) and (s) are not well-founded.
- 4 The claimant's claims of direct race in respect of allegations (h), (i), (k), (l), (m – parts 1 and 2), (p), (q), (r) and (u) are not well-founded but were caused by the race discrimination at (e) and (g) and the victimisation at (g).
- 5 The claimant's claim of victimisation in respect of allegation (g) is well-founded.
- 6 The claimant's claims of victimisation in respect of allegations (h), (r) and (q) are not well-founded.

7 It is just and equitable to extend time in respect of the discrimination and victimisation allegations.

8 The claimant was wrongfully dismissed in breach of contract.

9 The respondent's failure to provide PMVA refresher training was a breach of contract.

10 This Employment Tribunal will reconvene to consider the issue of remedy to include consideration of the claim for personal injury damages and of whether to order a financial penalty under section 12A of the Employment Tribunals Act 1996 (as amended).

11 The parties are to notify the Employment Tribunal by 31 August 2020 if Judicial Mediation on the question of remedy (before a different Judge) is requested. If not, a case management discussion will be listed before this Judge to make directions in respect of the remedy hearing.

Signed by Employment Judge Hughes on 14 August 2020