



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

**Mrs F Atif**

**v**

**Dolce & Gabbana UK Limited**

## DECISION

The Claimant's application dated 17 October 2021 for a reconsideration of the decision to dismiss her claims of unfair dismissal and direct race discrimination in a decision promulgated on 4 October 2021 discloses no reasonable prospect of the decision being varied or revoked and it is dismissed.

## REASONS

1. I have considered a 12 page request for reconsideration from the Claimant sent by email dated 17 October 2021.
2. The request is in the main an attempt to reargue various aspects of the claim on the basis that the Claimant disagrees with the outcome and considers that material matters have been omitted from the written reasons. I do not accept that the Tribunal failed to consider material matters.
3. In *DPP Law Ltd v Greenberg* 2021 EWCA Civ 672, CA the Court of Appeal confirmed that a tribunal is not required to identify all the evidence relied on in reaching its conclusions of fact. To impose such a requirement would put an intolerable burden on any fact finder. Nor is it required to express every step of its reasoning in any greater degree of detail than that necessary to be Meek compliant (*Meek v Birmingham City Council* [1987] IRLR 250) i.e. to tell the parties in broad terms why they have won or lost.
4. As to the points made by the Claimant at paragraph 22 of her application for reconsideration, it was a hybrid hearing at which the Claimant herself

and Respondent's counsel attended the hearing in person together with Ms Di Ruocco the Respondent's investigation officer. The dismissing manager Ms Federica Bianchini the dismissing manager and Ms Elisabetta De Ciutiis who heard the appeal joined the hearing to observe and given evidence remotely.

5. I did not ask the Respondent barrister to stop communicating with witnesses to assist them. Mr Howells would have been entitled to communicate with the Respondent's remote witnesses during the hearing apart from when they were giving their evidence. I have no reason to believe that he was doing this. The Claimant raised a concern during that Ms Di Ruocco was communicating with her colleagues using her mobile telephone. In response to this suggestion Ms Di Ruocco denied that she was, but voluntarily switched off her mobile phone to allay the Claimant's concern.
6. In any event I have no reason to believe that the Respondent's witnesses were colluding. Each of the Respondent's witnesses had a different role in the process and the degree of overlap between their evidence was minimal. In other words it was not the sort of case where the Respondent witnesses would benefit by collaborating to give a consistent version of events, since their role in the matter was different to one another.
7. The Tribunal in this case carefully considered the evidence referred to by the parties and the legal issues identified. In my assessment there is there is no reasonable prospect of the original decision being varied or revoked.
8. Accordingly the application will be refused.

Employment Judge Adkin

Dated: 3 November 2021

Sent to the parties on:

04/11/2021.

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For the Tribunal Office