



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Perera

**Respondent:** Lantmannen Unibake UK Ltd

**Heard at:** Watford Employment Tribunal via CVP  
**On:** 23 and 24 February 2023

**Before:** Employment Judge Fitzgerald

## Representation

Claimant: Mr Walker, Counsel  
Respondent: Ms Shaw, Solicitor

# JUDGMENT ON LIABILITY

1. The Claimant's claim for holiday pay is dismissed upon withdrawal.
2. The Claimant was unfairly dismissed by the Respondent.
3. The Claimant's basic award is reduced by 60% to reflect his contributory fault.
4. The Claimant's compensatory award is reduced by 60% to reflect both his contributory fault and the chance that the Claimant would have been fairly dismissed if a fair process had been followed ("Polkey" deduction). However the Claimant's compensatory award is then increased by 10% to reflect the Respondent's failure to fully comply with the ACAS Code of Practice on Disciplinary and Grievance procedures.

*EJ Fitzgerald*

\_\_\_\_\_  
Employment Judge Fitzgerald

Date 24 February 2023 \_\_\_\_\_

JUDGMENT SENT TO THE PARTIES ON 4.3.2023  
FOR THE TRIBUNAL OFFICE GDJ

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a request was made by either party at the hearing or a written request is presented by either party within 14 days of the sending of this written record of the decision.

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