



EMPLOYMENT TRIBUNALS

Claimant: Ms J Patel

Respondent: Mr J Joshi
Citygate Automotive Ltd

Heard at: Watford Employment Tribunal (In Public; In Person)

On: 29 to 31 January and 1 February 2024

Before: Employment Judge Quill; Ms P Barratt; Mr D Sutton

Appearances

For the Claimant: Mr N Gathani, Friend
For the respondent: Ms C Jennings, Counsel

LIABILITY JUDGMENT

- (1) All the complaints of harassment related to sex and of direct discrimination because of sex fail and are dismissed.
- (2) As a result of paragraph 1, all claims against Mr Jairaj Joshi have been dismissed. In the remainder of this judgment, “the Respondent” refers to Citygate Automotive Ltd (only).
- (3) The claims in relation to alleged bonus entitlement fail and are dismissed:
 - (i) Any complaint of unauthorised deduction for (alleged) underpayment of bonus entitlement was presented out of time, and the Tribunal does not have jurisdiction.
 - (ii) Any complaint of breach of contract for bonus entitlement fails on the substantive merits.
- (4) The claims in relation to payment in lieu of holiday entitlement fail and are dismissed, both in relation to statutory entitlement and contractual entitlement.
- (5) The Respondent breached the Claimant’s contract by dismissing her without notice, and without a payment in lieu of her full notice entitlement. Damages for this breach of contract will be assessed.

- (6) The Claimant was unfairly dismissed by the Respondent.
- (i) A Polkey reduction will be made to the compensatory award.
 - (ii) A reduction of (25%, 50%, 75% or 100%) to the basic award is likely to be made because of the Claimant's conduct before the dismissal (Section 122(2) of the Employment Rights Act 1996)
 - (iii) A reduction of (25%, 50%, 75% or 100%) to the basic award is likely to be made on the basis that the dismissal was caused or contributed to by actions of the Claimant (Section 123(6) of the Employment Rights Act 1996)
- (7) Assessment of compensation, including decisions about Polkey and about Sections 122(2) and 123(6) ERA, will be made in due course, following promulgation of our reserved decision about reinstatement/re-engagement.
- (8) There will be a hearing on **Tuesday 19 March 2024** to deal with outstanding remedy issues, and any costs/preparation time applications.

Employment Judge Quill

Date: 2 February 2024

JUDGMENT SENT TO THE PARTIES ON
5 February 2024

FOR THE TRIBUNAL OFFICE

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