



EMPLOYMENT TRIBUNALS (SCOTLAND)

Case No: 4103884/2018

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Held in Glasgow on 21, 22 and 23 November 2018 (Final Hearing)

**Employment Judge: Ian McPherson
Members: Iain MacFarlane
Peter Kelman**

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Mr Anatoliy Arkhipov

**Claimant
In Person**

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Manpower UK Limited

**Respondents
Represented by:
Mr Alan Sutherland-
Solicitor**

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JUDGMENT OF THE EMPLOYMENT TRIBUNAL

25 The **unanimous** Judgment of the Employment Tribunal is that: -

(1) The Tribunal finds that the claimant was not dismissed by the respondents, on 19 January 2018, as alleged, or at all, following the end of his assignment within Microfocus, and, as at the close of the Final Hearing before this Tribunal, the claimant remained an employee of the respondents, he having not resigned from their employment, and they not having dismissed him from their employment.

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(2) Accordingly, there having been no dismissal of the claimant by the respondents, his complaint of having been unfairly dismissed by the respondents, contrary to **Sections 94 and 98 of the Employment Rights Act 1996**, is not well-founded, and it fails, as does his further complaint of the respondents' failure to issue him with a written

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statement of reasons for dismissal, contrary to **Section 92 of the Employment Rights Act 1996**. Both those parts of his claim against the respondents are dismissed by the Tribunal.

5 (3) Further, in respect of the English language proficiency test used by the respondents, in respect of a role of Inside Partner Business Manager within their Inside Sales team applied for by the claimant on 23 January 2018, and the claimant's failure on 24 January 2018 to pass that test, the Tribunal finds that the claimant's complaint of unlawful
10 indirect discrimination against him by the respondents on the grounds of race, contrary to **Section 19 of the Equality Act 2010**, is not well-founded, and it fails, and accordingly that part of the claim against the respondents is also dismissed by the Tribunal.

15 (4) Written Reasons for this reserved Judgment of the Tribunal are reserved, and they will be issued in writing, at a later date, in terms of **Rule 62 of the Employment Tribunals Rules of Procedure 2013**.

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25 **Employment Judge: Ian McPherson**
Date of Judgment: 12 December 2018
Entered in register: 13 December 2018
and copied to parties

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