



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A. Vastola

**Respondent:** Spiers & Hartwell Ltd

**Heard at:** Birmingham

**On:** 17 and 18 October 2019

**Before:** Employment Judge V. Jones

**Members:** Mrs B.E. Hicks and Mr M.J. Pearson

## **Representation**

**Claimant:** Mr M Longobardi, lay representative

**Respondent:** Mr J Heard, counsel

# JUDGMENT

The unanimous Judgment of the Tribunal is that:

1. The claimant's complaint of race discrimination contrary to sections 13(1) and 39(2) Equality Act 2010 (EQA) is dismissed;
2. The complaint of victimisation contrary to sections 27 and 39(4) EQA is dismissed following withdrawal by the claimant;
3. The claimant's claim of unfair dismissal under s111 Employment Rights Act 1996 (ERA) is dismissed for want of jurisdiction. The claimant does not have the minimum length of service required under section 108(1) ERA to bring such a claim and none of the exemptions to that requirement in section 108(3) ERA apply;
4. The claimant is ordered, under rule 76(1)(a) and (b) and rule 78(1)(a) Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013, to pay the respondent the sum of £13,060.00 in respect of their legal costs. Payment must be made to the respondent's solicitors in full by 30 November 2019.

Employment Judge V. Jones  
4 November 2019

**Note**

**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.**