



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr J Arcanjo Dos Santos

**Respondent:** AV Unibrak South Ltd

**Heard at:** Manchester Employment Tribunal (by video)

**On:** 17, 18, 19, 20 and 21 May 2023

**Before:** Employment Judge Dunlop  
Mrs A Booth  
Mr P Dobson

## Representation

**Claimant:** Mr C Barklem (counsel)

**Respondent:** Mr M Ramsbottom (consultant)

# JUDGMENT

1. The claimant's claim of unfair dismissal is not well-founded. The claim is dismissed.
2. The claimant's claim of direct race discrimination succeeds in part. The respondent discriminated against the claimant by failing to increase his hourly rate and by requiring him to do more labouring work due to his race.
3. The respondent is ordered to compensate the claimant for losses sustained as a result of the discrimination in the gross sum of **£2,179.17**, as agreed between the parties. Interest is awarded on this sum at the rate of 8% from 1 August 2021. This amounts to **£343.88** (8% = £174.33. Therefore £174.33 for year 1 plus £169.55 (355/365 x £174.33) for year 2).
4. The respondent is ordered to compensate the claimant for injury to feelings sustained as a result of the discrimination in the sum of **£21,000.00**. Interest is awarded on this sum at the rate of 8% from 1 May 2021. This amounts to **£3,737.42** (8% = £1,680.00. Therefore, £1,680.00 for year 1, plus £1,680.00 for year 2, plus £377.42 (82/365 x £1,680.00 for year 3).

5. The respondent made an unauthorised deduction to the claimant's wages by failing to pay him in full for September 2021. The amount due to the claimant in respect of this unauthorised deduction is incorporated into the figure agreed by the parties at point 2 above.
6. The respondent failed to pay the claimant in full for his outstanding accrued holiday pay on termination of employment. By agreement, the respondent is ordered to pay the claimant the gross sum of **£364.00**.
7. The total sum payable by the respondent to the claimant is therefore **£27,624.47**.

Employment Judge Dunlop

Date: 21 July 2023

SENT TO THE PARTIES ON

31 July 2023

FOR EMPLOYMENT TRIBUNALS

**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.

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990 ARTICLE 12

Case number: **2401682/2022**

Name of case: **Mr J Arcanjo Dos Santos** v **AV Unibrak South Ltd**

Interest is payable when an Employment Tribunal makes an award or determination requiring one party to proceedings to pay a sum of money to another party, apart from sums representing costs or expenses.

No interest is payable if the sum is paid in full within 14 days after the date the Tribunal sent the written record of the decision to the parties. The date the Tribunal sent the written record of the decision to the parties is called **the relevant decision day**.

Interest starts to accrue from the day immediately after the relevant decision day. That is called **the calculation day**.

The rate of interest payable is the rate specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as **the stipulated rate of interest**.

The Secretary of the Tribunal is required to give you notice of **the relevant decision day, the calculation day, and the stipulated rate of interest** in your case. They are as follows:

**the relevant decision day** in this case is: 31 July 2023

**the calculation day** in this case is: 1 August 2023

**the stipulated rate of interest** is: **8% per annum**.

For the Employment Tribunal Office