



# EMPLOYMENT TRIBUNALS

**Claimant:** F Arian

**Respondents:** 1. David Shaw  
2. Dam Group UK Limited

## JUDGMENT

- A. The complaint that the claimant was unfairly dismissed is struck out.
- B. All allegations of race discrimination that are not subject to the deposit order are struck out.

## REASONS

1. The claimant complains of unfair dismissal. Section 108 of the Employment Rights Act 1996 requires a claimant to have not less than 2 years' service to make an unfair dismissal complaint. The claimant was employed by the respondent for less than 2 years. Therefore, the claimant is not entitled to bring such a complaint.
2. The claimant has failed to give an acceptable reason, despite being given the opportunity to do so, why the complaint of unfair dismissal should not be struck out. Accordingly, the complaint of unfair dismissal is struck out.
3. The claimant's other complaint, of race discrimination comprises an allegation of harassment and allegations of detriment for the purposes of a direct discrimination claim. Save in respect of his dismissal, the claimant has been unable to explain how any of the allegations of detriment are because of race nor has he shown even the possibility of any causal link. Accordingly, apart from his dismissal, all allegations of detriment are struck out.

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Employment Judge Batten  
Date: 6 September 2023

JUDGMENT SENT TO THE PARTIES ON:  
Date: 15 September

FOR THE TRIBUNAL OFFICE