



EMPLOYMENT TRIBUNALS

Claimant: Mr A Sutherland

Respondent: Crystal Clear Designs and Signs Ltd

Heard at: Southampton
On: 31 July and 1,2,3,4 of August 2023

Before: Employment Judge Rayner
Mr P Bompas
Mr N Knight

Representation

Claimant: Mr E MacDonald, Counsel
Respondent: Miss B Clayton, Counsel

JUDGMENT

Declaration

1. The Claimant was constructively and unfairly dismissed. The effective date of termination was the 23 September 2021.
2. The Claimant was discriminated against on grounds of his race, by reason of harassment.
3. The Claimant's claim that he was discriminated against contrary to section 13 of the Equality Act 2010 on grounds of his race is dismissed.
4. There was a continuing course of discriminatory conduct from February 2019 until the point the Claimant resigned in 2021.
5. The Claimant's claims of discrimination were brought within the statutory time limit or alternatively and in any event, it would have been just and equitable to extend time insofar as it may be necessary.
6. The Claimant was an employee from 2006. He was wrongfully dismissed.
7. The Claimant has suffered an unlawful deduction from his wages in that he has not been paid holiday pay. The holiday pay year runs from the 25th of January each year.

Remedy (part 1)

1. The Claimant is entitled to be paid £21,000.00 by the Respondent in respect of injury to feelings. Interest will be calculated at the remedies hearing on 1 December 2023.
2. The Claimant is entitled to holiday pay in respect of 8 months' work, which is 16.7 days. He has taken 5 days holiday and is entitled to be paid for the remaining 11.7 days. The sum to be awarded will be determined at the remedies hearing on **1 December 2023**.
3. The Claimant is entitled to 12 weeks statutory notice pay at a rate to be determined at the remedies hearing listed for 1 December 2023.
4. The Claimant's entitlement to compensation for discrimination for loss of earnings or any other matter will be determined at a remedies hearing listed for the 1 December 2023 at Southampton in person.

Employment Judge Rayner
Date: 25 September 2023

Judgment sent to the Parties: 27 September 2023

FOR THE TRIBUNAL OFFICE

Notes

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.

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