



EMPLOYMENT TRIBUNALS

Claimant: Mr S Wanjau
Respondent: XPO Bulk UK Limited

Heard at: Bristol Employment Tribunal

On: 2-6 & 9 December 2024

Before: Employment Judge Ferguson

Members: Mr H Launder
Mr K Ghotbi-Ravandi

Representation

Claimant: Ms R Snocken, counsel
Respondent: Mr Z Malik, solicitor

JUDGMENT

It is the unanimous judgment of the Tribunal that:

1. The complaint of unfair dismissal is well-founded. The Claimant was unfairly dismissed.
2. The Claimant caused or contributed to the dismissal by blameworthy conduct and it is just and equitable to reduce the compensatory award payable to the Claimant by 75%.
3. It is just and equitable to reduce the basic award payable to the Claimant by 75% because of the Claimant's conduct before the dismissal.
4. The Respondent shall pay the Claimant the following sums:
 - a. A basic award of **£723.38**.
 - b. A compensatory award of **£395.68**.

Note that these are actual the sums payable to the Claimant after the 75% deduction has been applied.

5. The complaint of direct race discrimination relating to a “load and tip assessment” in July 2022 (“Act 1”) is dismissed because it was brought out of time and the Tribunal does not have jurisdiction to hear it.
6. The other complaints of direct race discrimination (“Acts 2 and 3”) are not well-founded and are dismissed.

Employment Judge Ferguson

Date: 9 December 2024

JUDGMENT SENT TO THE PARTIES ON
02 January 2025 By Mr J McCormick

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.

Public access to employment tribunal decisions

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

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>