



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr. Balceira

**Respondent:** Sabio Recruitment Limited

**Heard at:** Croydon ET (VR) via CVP

**On:** 26 February 2025

**Before:** Employment Judge Bowen

## Representation

Claimant: In person

Respondent: Failed to attend

# JUDGMENT

## Harassment related to race

1. The complaint of harassment related to race is well founded and succeeds in relation to:
  - (a) A failure to pay the Claimant's last 2 weeks' pay (wages and/or holiday pay);
  - (b) Gerald Davies told the Claimant that if he did not want the job that other "foreigners" would take it for even less money than he was paying the Claimant.

## Direct race discrimination

2. The Claimant's claims of direct discrimination are dismissed pursuant to s.212(5) Equality Act 2010 as they arise from the same factual basis as the claims of harassment.

## Wages

3. The complaint of unauthorised deductions from wages is well-founded. The Respondent made an unauthorised deductions from the Claimant's wages in the last 2 weeks of his employment.

### **Holiday pay**

4. The complaint in respect of holiday pay is well-founded. The Respondent failed to pay the Claimant for holidays accrued but not taken on the date the Claimant's employment ended.

### **Remedy**

5. The Respondent shall pay the claimant the following sums:
  - a. Compensation for past losses arising from harassment related to race in relation to the unpaid wages and holiday pay in the sum of £1045.88 (which is the gross sum owed to the Claimant).
  - b. Interest on that amount in the sum of £135.02.
  - c. Compensation for injury to feelings in the amount of £3000.00.
  - d. Interest on compensation for injury to feelings in the amount of £415.56.
  - e. The Claimant shall be responsible for the payment of any tax or National Insurance.
  - f. The amount due as an unauthorised deduction of wages in respect of wages and holiday pay has been awarded as compensation in respect of harassment and no separate award is therefore payable to the Claimant.

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Employment Judge Bowen (approved judgment)

Date: 13 March 2025

### **Note**

Oral reasons were provided at the hearing. Written reasons will not be provided unless 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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