



EMPLOYMENT TRIBUNALS

Claimant: Mr O Grillo

Respondent: Safestay Plc

London Central: 9 and 10 March 2021

Before: Employment Judge Nicolle, Mr T Cook and Mr P Secher by CVP

Representation:

Claimant: in person

Respondent: Mr N Henry of Croner.

Judgement

1. The claims for direct race discrimination under S.13 of the Equality Act 2010 (the EQA) and victimisation under S.27 succeed and the Claimant is awarded the sum of £1,500 for injury to feelings.
2. The tribunal finds that the respondent failed to comply with the grievance procedures as set out in the ACAS Code of Practice on Disciplinary and Grievance Procedures (2015) and that the award for injury to feelings should be increased 15% pursuant to s.207A (2) of the Trade Union and Labour Relations (Consolidation) Act 1992. This therefore increases the figure of £1,500 to £1,725.
3. The figure of £1,725 is grossed up to reflect the Claimant having a marginal tax rate at the basic rate of 20% in the 2020/21 tax year to £2,156.25.
4. The claim for harassment under s.26 of the EQA fails and is dismissed.
5. The claim for compensation for a failure to provide statutory particulars of employment in accordance with S.1 of the Employment Rights Act 1996 succeeds and under S.38 of the Employment Act 2002 the Claimant is awarded compensation of 2 weeks' pay in the net sum of £752.

6. In accordance with the Employment Tribunals (Interest on Awards in Discrimination Cases) Regulations 1996 (s.1996/2803) the Claimant is awarded interest on the injury to feelings awarded under the EQA.
7. Under Regulation 6(1)(b) on an award of compensation interest shall be paid for the period beginning on the mid-point date and ending on the day of calculation and shall be calculated based on the prevailing rate of interest under s.17 of the Judgments Act 1838 which for the applicable period is 8%.
8. Pursuant to Regulation 4(1) the day of calculation is 10 March 2021 and under Regulation 4(2) the mid-point date is halfway between the commencement date of the discriminatory act giving rise to the award for injury to feelings of 28 May 2019. This is therefore 1 February 2020 and a period of 326 days.
9. Based on the above the interest awarded to the Claimant attributable to the period between 28 May 2019 and 10 March 2021 is £154.07 giving a total award of £2,310.32 for injury to feelings.
10. The total sum payable to the Claimant by the Respondent is therefore £3,062.32.

Reasons

1. Oral reasons were given to the parties on 10 March 2021.

Employment Judge Nicolle

10 March 2021

Sent to the parties on:

10/03/2021

For the Tribunal:

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Note

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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