



# EMPLOYMENT TRIBUNALS

**Claimant:** Andrew Bourne

**Respondent:** Oyo Technology and Hospitality Ltd

**Heard at:** Birmingham Employment Tribunal (by telephone)

**On:** 16 January 2024

**Before:** Employment Judge Boyle

## Representation

Claimant: in person

Respondent: did not attend and was not represented

## JUDGMENT (LIABILITY)

Employment Tribunal Rules of Procedure 2013 – Rule 21

1. The claim was issued in Birmingham Employment Tribunal on 2 September 2023. The respondent failed to present a valid response in time. The Employment Judge has decided, following receipt of further information from the claimant today, that a determination can be made of the claim in accordance with rule 21 of the Rules of Procedure.
2. The claimant's claim for unfair dismissal is well founded.
3. The claimant's claim for direct race discrimination is well found. The respondent discriminated against the claimant on the ground of race including by way of a discriminatory dismissal.
4. The claimant's claim for harassment related to race is well founded.
5. The claimant's claim for unlawful deductions from wages in relation to unpaid commission payments in January, February and March 2023 is well founded. The respondent is ordered to pay to the claimant the sum of £5407.50 less deductions for tax and national insurance.
6. The claimant's claim for indirect race discrimination is dismissed upon withdrawal.
7. The claimant's claim for wrongful dismissal is dismissed upon withdrawal.

8. Any remedy the claimant is entitled to in relation to the claims above at paragraphs 2, 3, and 4 will be determined at a Remedy Hearing. The respondent may only take part in the next hearing to the extent permitted by the Employment Judge at that hearing.

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Employment Judge **Boyle**

Date 16 January 2024