



THE EMPLOYMENT TRIBUNAL

SITTING AT: LONDON SOUTH

BEFORE: EMPLOYMENT JUDGE MARTIN
Members Ms Leverton
Ms Williams

BETWEEN: Miss Paulette Pereira Claimant

and

Mr Martin McGuire (1)

Little Lisbon Ltd (2) Respondents

ON: 16 July 2018

APPEARANCES:

For the Claimant: In person

For the Respondent: Did not attend

RESERVED JUDGMENT

The unanimous decision of the Tribunal is that:

1. The First and Second Respondent discriminated against the Claimant on the protected characteristic of race
2. The First and Second Respondent joint and severable liability for compensation for injury to feelings of £3,000 payable to the Claimant.
3. The Second Respondent breached the Claimant's contract of employment and shall pay £500 compensation (notice period)
4. The Second Respondent made unauthorised deductions from wages and shall pay £1,000 to the Claimant

RESERVED REASONS

1. The Respondents did not attend the hearing. They had made an application to postpone the hearing on 11 July 2018 on the basis that they did not have legal representation. This was refused by the Regional Employment Judge on 13 July 2018 with the Respondent being notified by email on the same date. The Tribunal waited until 10.15 and telephoned the Respondents to find out if they were attending. The Respondents did not answer the telephone and a message was left for them. The hearing went ahead in the Respondents absence.
2. The Tribunal heard from the Claimant who gave evidence on oath. She adopted her particular of complaint from the claim form as her witness statement and confirmed the contents were true. She had with her transcripts of telephone messages and had the recordings with her. The Tribunal was satisfied that the Claimant's evidence was true and found that the Respondents had discriminated against her on the protected characteristic of race. The Tribunal heard from the Claimant about the long and ongoing distress she experiences from the discrimination. It was hard to distinguish between discrimination in the workplace and the breakdown of the relationship with the First Respondent. The Tribunal therefore took the view that £3,000 was just and equitable as compensation for injury to feelings. The First and Second Respondents are jointly liable for this compensation.
3. The Tribunal was satisfied that the Claimant was entitled to payment in respect of notice pay and awarded £500 for breach of contract.
4. The Tribunal was satisfied that the Second Respondent did not pay the Claimant for two weeks' work and awarded £1,000 for unauthorised deductions from wages.
5. The Tribunal accepts that the Second Respondent did not pay the Claimant outstanding holiday accrued on termination of her employment and awards £935.

Employment Judge Martin
Date: 16 July 2018