



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr R Mehmood

**Respondent:** Worldwide Foods (Rochdale) Limited

**HELD AT:** Manchester

**ON:**

9-11 April 2019

**BEFORE:** Employment Judge Franey  
Ms L Atkinson  
Dr H Vahramian

## REPRESENTATION:

**Claimant:** Mr S Hornes (Advocate) on 9 and 10 April;  
Ms N Boston (Solicitor) on 11 April 2019

**Respondent:** Mr N Aslam (Consultant)

# JUDGMENT

The unanimous judgment of the Tribunal is as follows:

1. The employer's contract claim is dismissed upon withdrawal by the respondent.
2. By consent the respondent made an unlawful deduction from the claimant's wages for 26-29 March 2018 and is ordered to pay the claimant the gross sum of **£250.56** unlawfully deducted from his pay.
3. The complaint of breach of contract in relation to notice pay succeeds and the respondent is ordered to pay the claimant the net sum of **£1,257.54** as compensation for breach of contract.
4. The complaint of direct discrimination because of religious belief fails and is dismissed.
5. The complaint of direct discrimination because of race succeeds in relation to failure to provide a written contract of employment, failure to pay for overtime and holiday pay, and failure to pay the claimant on time each week. The total award is as follows:

Injury to feelings	£12,000.00
Interest thereon	£1,920.00
Financial losses	£3,738.83
Interest thereon	<u>£299.11</u>
Total	<b>£17,957.94</b>

6. The unfair dismissal complaint is well founded. The claimant was unfairly dismissed. The respondent is ordered to pay the claimant the total sum of **£8,401.53** made up of a basic award of £2,192.40 and a compensatory award of £6,209.13 calculated as follows:

Loss of statutory rights	£400.00
Loss of earnings	£5,051.42
ACAS uplift 15%	<u>£757.71</u>
Total	£6,209.13

7. These awards are increased by four weeks' pay in the sum of **£1,096.20** for failure to provide a written statement of the main terms of employment.
8. The recoupment regulations do not apply.
9. The total amount awarded by this judgment is **£30,708.56**.

---

Employment Judge Franey

11 April 2019

JUDGMENT SENT TO THE PARTIES ON  
29 April 2019

Miss E Heeks  
FOR THE TRIBUNAL OFFICE

Note

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](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number(s): **2411035/2018**

Name of **Mr R Mehmood** v **Worldwide Foods**  
case(s): **(rochdale) Limited**

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: **29 April 2019**

"the calculation day" is: **30 April 2019**

"the stipulated rate of interest" is: **8%**

MISS E HEEKS  
For the Employment Tribunal Office

## INTEREST ON TRIBUNAL AWARDS

### **GUIDANCE NOTE**

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at [www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426](http://www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426)

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.