



EMPLOYMENT TRIBUNALS

Claimants: Mr R Jeduss
Ms A Kudrjaveva

Respondent: Mr T Hussain (trading as "Mighty Cod Pontypridd")

Heard at: Cardiff **On:** 19th February 2018

Before: Employment Judge M Whitcombe
Members Mrs LM Thomas
Ms C Lovell

Representation:
Claimant: Mr G Pollitt (Counsel) and Mr N Vidini (Solicitor), both acting *pro bono*.
Respondent: No appearance or representation.

JUDGMENT

Having heard evidence from both Claimants and submissions on their behalf from Mr Pollitt, the Tribunal unanimously makes the following findings and awards.

(1) The Respondent made unlawful deductions from both Claimants' wages and is ordered to pay the First Claimant £10,645.60 and the Second Claimant £8,163.90 in respect of unpaid wages. Those sums are awarded on a gross basis and the Claimants are responsible for any tax due.

(2) The Respondent failed to provide either Claimant with a written statement of terms and conditions of employment and is ordered to pay each of them £1,956.00 representing 4 weeks' pay at the capped rate in accordance with section 38 of the Employment Act 2002.

(3) In breach of contract, the Respondent dismissed the Claimants without notice. The First Claimant is awarded £720 and the Second Claimant is awarded £555 as damages for breach of contract. Those sums are awarded on a gross basis and the Claimants are responsible for any tax due.

(4) The Respondent is ordered to pay the First Claimant £751.59 and the Second Claimant £579.35 in respect of their untaken entitlement to paid annual leave outstanding on the termination of employment.

(5) The claims for racial harassment are well founded. The First Claimant is awarded compensation of £3,500 plus interest of £571.80 The Second Claimant is awarded compensation of £5,000 plus interest of £739.72.

(6) The claims for religious harassment are not well founded and are dismissed.

Employment Judge M Whitcombe
Dated 19th February 2018

JUDGMENT SENT TO THE PARTIES ON

21 March 2018

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FOR THE SECRETARY OF EMPLOYMENT TRIBUNALS

NOTE:

This is a written record of the Tribunal's decision. Reasons for this decision were given orally at the hearing. Written reasons are not provided unless (a) a party asks for them at the hearing itself or (b) a party makes a written request for them within 14 days of the date on which this written record is sent to the parties. This information is provided in compliance with Rule 62(3) of the Tribunal's Rules of Procedure 2013.