



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Mr T Drimusch

AND
trading as the Angel and Station Restaurant

Respondent
Mrs B Holland

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Plymouth

ON

3 July 2019

Representation:

Claimant: In person

Respondent: No Appearance Entered, Did Not Attend

The Tribunal was assisted by an Hungarian Interpreter

JUDGMENT ON REMEDY

1. The respondent is ordered to pay the claimant the sum of £3,000.00 as compensation for discrimination on the grounds of his race; and
2. The respondent is ordered to pay the claimant the sum of £3,000.00 as compensation for unlawful deduction from wages; and
3. The respondent is ordered to pay the claimant the sum of £2,872.24 for accrued but unpaid holiday pay.

REASONS

1. In this case the claimant Mr Tamas Drimusch, who is an Hungarian national, already has the benefit of a Judgment under Rule 21 dated 11 April 2019, and this judgment confirms the remedy following a hearing to determine the same today.
2. I have heard from the claimant. The respondent did not enter a response to the claim, and did not attend.
3. The claimant was employed by the respondent as a kitchen porter from 3 April 2014 until 21 December 2018. He worked approximately 50 hours per week for which he received £360.00 gross per week and his normal take

- home pay was £310.00 per week. For much of this time he actually worked as a skilled tradesman and carpenter but was not paid at the appropriate rate. He has succeeded in his claim for unpaid overtime and for accrued but unpaid holiday pay. He was also the subject of repeated racist comments and has succeeded in his claim for race discrimination.
4. The claimant was subjected to racist comments throughout his employment, and despite complaints the respondent did not act successfully to stop these comments. The claimant does not seek any monetary loss in respect of his claim for discrimination on the grounds of his race, but does claim £3,000.00 for injury to his feelings. Given that he received these offensive and racist comments over a number of years despite his complaints I accept that he was offended and upset, and I make an award of £3,000.00 for injury to feelings. No claim has been made for interest.
 5. The claimant's claim for unpaid and underpaid wages goes back over a number of years. This includes failure to pay him at all for some days worked, and payment at the lower rate for a kitchen porter rather than as a skilled tradesman on a number of other occasions. The claimant estimates this claim to be in excess of £8,000.00 for the four years or so that he worked. I have limited the claim to the last two years and the claimant claims £3,000.00 for this period for unpaid and underpaid wages. I accept that this is a reasonable estimate and I make that award.
 6. Finally, I make an award in respect of accrued but unpaid holiday pay for the last two years of the claimant's employment. He was entitled to 28 days holiday per year. Although he tried to take holiday, this was never paid. In addition he was made to work on days when he should have been on holiday, and was not paid for that. Based on 28 days holiday pay per annum, two years is 56 days. At £360.00 per week gross for a five-day week this is £51.29 per day, and I make an award of 56 days holiday pay which is £2,872.24.

Employment Judge N J Roper

Dated: 3 July 2019

Judgment sent to Parties: 24 July 2019

For the Tribunal Office