



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)

CORRECTED 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 breach of contract in relation to holiday pay succeeds and the respondent is ordered to pay the claimant the net sum of **£1,744.79** as compensation for breach of contract.
5. The complaint of direct discrimination because of religious belief fails and is dismissed.

6. 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	£17,957.94

7. 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

8. 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.
9. The recoupment regulations do not apply.
10. 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 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 numbers(s): 2411035/2018

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