



EMPLOYMENT TRIBUNALS

Claimant: Mr. D. Fudala

Respondent: Euro Delikatesy (W) Ltd (R1)
Mr. A. Kadir (R2)

HELD AT: Mold **ON:** 16th November 2017

BEFORE: Employment Judge T. Vincent Ryan

REPRESENTATION:

Claimant: Litigant in person
Respondent: Mr. McNerney, Counsel

JUDGMENT

The judgment of the Tribunal is that:

1. The second respondent is dismissed from these proceedings having no legal interest in them. Hereafter the “respondent” refers to R1.
2. The respondent dismissed the claimant unfairly on 23rd January 2017. His claim of Unfair Dismissal is well-founded and succeeds.
3. The claimant was not entitled to receive a redundancy payment from the respondent. His claim for Redundancy pay fails and is dismissed.
4. The respondent breached the claimant’s contract regarding notice of termination and his claim of breach of contract succeeds.
5. The respondent failed to pay to the claimant holiday pay that accrued due to him in his last year of employment which was payable on termination of employment (which claim was conceded by the respondent); all other claims for holiday pay were presented out of time and are dismissed including for the two weeks taken in September-October 2016.

6. The respondent made unauthorised deductions from the claimant's pay on a continuous basis throughout his employment in so far as he was paid at £6.09 per hour instead of at the prevailing National Minimum Wage/National Living Wage.
7. The respondent failed to give to the claimant a written statement of employment particulars (which claim was conceded by the respondent); the respondent shall pay to the claimant two week's wages in respect of this finding.
8. The respondent failed to provide the claimant with itemised payslips (which claim was conceded by the respondent).
9. The claimant's claims that the first and second respondents failed to notify and consult him regarding a transfer of an undertaking fails and is dismissed.
10. The matter is adjourned for a remedy hearing and case management orders were made.

Employment Judge T V Ryan

Date: 16 November 2017

JUDGMENT SENT TO THE PARTIES ON
22 November 2017

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 (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.