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EMPLOYMENT TRIBUNALS

BETWEEN

Claimant

Miss S Noreen

and

Respondent

Recruitment Finder Limited

Held at Bury St Edmunds on 5 September 2019

Representation

Claimant:

In Person

Respondent:

Did not appear and not represented

Employment Judge Kurrein

JUDGMENT

- 1 The Respondent has discriminated against the Claimant in respect of race and religion or belief and is ordered to compensate her in the sum of:-
 - 1.1 £7,500 for injury to her feelings; and
 - 1.2 Interest in the sum of £2,408.22
- 2 The Claimant is entitled to a redundancy payment in the sum of £1,185.00.
- 3 The Respondent has failed to pay the Claimant in respect of accrued and untaken holiday and is ordered to compensate her in the sum of £4,158.00 without any deduction.
- 4 The Respondent has made unauthorised deductions from the Claimant's wages in respect of bonuses and is ordered to compensate her in the sum of £3,800 less appropriate deductions for tax and NI provided the same have been paid to HMRC.
- 5 The Respondent has failed to pay the Claimant's fuel expenses and is ordered to compensate her in the sum of £3,510.00.

REASONS

- 1 The Claimant's claim alleging race discrimination, discrimination on the grounds of religion or belief, failure to pay a redundancy payment, unauthorised deductions and breach of contract was presented on 10 January 2018.
- 2 The Respondent did not present a Response and has not attended this, or any earlier, hearing.
- 3 I concluded it was in the interests of justice to hear the case in its absence.
- 4 I heard the evidence of the Claimant, which was unchallenged, and accepted it. I find the following as facts:-

- 4.1 The Claimant was born on 12 December 1991 and is of British Pakistani ethnic origin and is a Muslim.
- 4.2 She worked for the Respondent as a recruitment consultant from 10 October 2013. There were express terms of her contract, at its termination in 2017 that:-
 - 4.2.1 She would be paid the equivalent of £395.00 per week net.
 - 4.2.2 She would be paid for 28 days annual leave per year.
 - 4.2.3 She would be paid a monthly bonus of £0.25p per member of staff who was employed fully in each week and a signing on bonus of £100 for each new client.
 - 4.2.4 She would be reimbursed for car fuel at a rate of £0.30 per mile.
- 5 Throughout her employment the Respondent's Director, Mr P Clarke, made derogatory comments to her about her race and religion. This was not constant, but common, and was worse in the last year or so. She was lumped in the phrase "You Pakis", here adherence to fasting during Ramadan was described as a "lot of bollocks to me" and the food she brought from home, even a pasta dish, was referred to as "curry". It was said that she looked like a "curry muncher" and adverse comments were made about her weight.
- 6 The Claimant felt unable to do anything about this behaviour because she feared for her job. That was also the reason she did not take the holidays she was entitled to: she had been warned by Mr Clarke it might make her position insecure. She did take Christmas Day, New Year's Day and Easter Monday.
- 7 The situation deteriorated over the past eighteen months, following her pointing out to Mr Clarke that she had placed more staff than him. She stopped receiving her bonus, commonly about £190 per month, or fuel payments, about £45 per week.
- 8 At the beginning of July 2017 Mr Clarke called her into his office and gave her two months notice of redundancy. She was promised she would receive all sums due to her, but received nothing but her basic pay. Other staff were told not to accept her calls and not to put her through to Mr Clarke.
- 9 On the basis of the above evidence I am satisfied that the Claimant has established, on the balance of probabilities, that she is entitled to awards calculated as follows:-
 - 9.1 The discrimination she was subject to consisted of a series of relatively minor incidents over a period of about 3.5 years. I consider an award of £7,500, the upper end of the lower scale, to be appropriate in light of the *Vento* guidelines and Presidential guidance.
 - 9.2 I award interest from the mid-point of her employment, 1 September 2015, to date, which is 1,465 days, at the statutory rate of 8%, being £1.6438 per day, totalling £2,408.22.
 - 9.3 She is entitled to a redundancy payment equal to three weeks pay, £1,185.00.

- 9.4 She is owed 42 days holiday, on the assumption the holiday year was the same as the calendar year, at a daily rate of £99.00.
- 9.5 She is owed her bonus of £190 gross for eighteen months.
- 9.6 She is owed her fuel allowance for 78 weeks at £45 per week.

Employment Judge Kurrein

5 September 2019

Sent to the parties and
entered in the Register on 26 : 9 : 2019

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For the Tribunal