



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr L Zawierucha

**Respondent:** Midland Stairs and Joinery Limited (in voluntary liquidation)

**Heard at:** Birmingham

**On:** 11 November 2019

**Before:** Employment Judge Flood  
Mrs Howard  
Mr Wagstaffe

## Representation

**Claimant:** In person  
**Respondent:** Did not attend

# JUDGMENT

The judgment of the Tribunal is that:

1. The claimant's complaint of race discrimination (harassment) in respect of an incident on 2 January 2019 is well founded and succeeds. The respondent must pay compensation to the claimant of **£3,500** (for injury to feelings) and **£240.11** interest on this sum.
2. The claimant's complaint of unfair dismissal is well founded and succeeds. The respondent is ordered to pay to the claimant the sum of **£1016** as a basic award and **£500** in respect of loss of statutory rights.
3. The claimant's complaint of unlawful deduction of wages relating to 6 weeks unpaid wages between 16 November 2018 and 2 January 2019 is well founded and succeeds. The respondent is ordered to pay to the claimant the sum of **£5321.16**.
4. The claimant's complaint of accrued holiday pay is well founded and succeeds. The respondent is ordered to pay to the claimant the sum of **£1064.23** in respect of 6 days accrued but untaken holiday.
5. This sums payable under paragraphs 3 and 4 above are the gross amount to be paid and the claimant is to be responsible for any income tax and National Insurance Contributions thereon.

6. The claimant's complaint of breach of contract is well founded and succeeds. The claimant was entitled to one week's notice of termination of employment. The respondent is ordered to pay the claimant the net sum of **£665.74**.
7. The respondent failed to comply with section 1 of the Employment Rights Act 1996 ("ERA"). The respondent is ordered to pay to the claimant the sum of **£2032** which amounts to 4 week's pay pursuant to section 38 of the Employment Act 2002.
8. The Tribunal made a finding of fact that the respondent failed to pay the claimant's contributions to the National Employment Savings Trust (NEST) from 16 February 2018 until 2 January 2019. However the Tribunal does not have jurisdiction to determine this complaint as these contributions do not amount to "wages" as defined by section 27 (1) and (2) of the ERA.

Signed by: Employment Judge Flood

Signed on: Date: 11 November 2019

**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.