



EMPLOYMENT TRIBUNALS

Claimant: Mr M Sharafudin

Respondent: Ottoman Textiles Limited

Heard at: Manchester (in public; by CVP) **On:** 11 October 2021

Before: **Employment Judge Grundy**
Mrs A Eyre
Ms C Gallagher

Representatives

For the Claimant: Mr M Sharafudin (in person) through interpretation by Mr Herydari
For the Respondent: Mrs C Dean (lay representative and internal accountant of the Respondent)

JUDGMENT on REMEDY

- (1) The Tribunal award for the claimant's claim in respect of damages for breach of contract is 12 weeks notice pay calculable as follows:- $\pounds 131.36 \times 12 = \pounds 1576.32$.
- (2) The Tribunal award the basic award only in respect of the claimant's claim of unfair dismissal, this amounts to the sum of **$\pounds 2561.52$** ($\pounds 1182.24$ and $\pounds 1379.28$)
- (3) The Tribunal makes no compensatory award following Polkey, as the claimant would have been fairly dismissed, if a fair procedure had been followed by the respondent by 10 December 2019.
- (4) The Tribunal award 2 weeks pay in respect of failure to provide employment particulars pursuant to s38 Employment Act 2002 and this sum amounts to **$\pounds 262.72$** .
- (5) The Respondent shall pay the total award of **$\pounds 4400.56$** to the claimant.

Employment Judge Grundy
11 October 2021

JUDGMENT SENT TO THE PARTIES ON

18 October 2021

FOR THE TRIBUNAL OFFICE



NOTICE

THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2400652/2020**

Name of case: **Mr M Sharafudin** v **Ottoman Textiles 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 judgment day" is: 18 October 2021

"the calculation day" is: 19 October 2021

"the stipulated rate of interest" is: **8%**

Mr S Artingstall
For the Employment Tribunal Office

INTEREST ON TRIBUNAL AWARDS

GUIDANCE NOTE

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at www.gov.uk/government/publications/employment-tribunal-hearings-judgment-guide-t426

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".
3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.
4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).
5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.
6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.