



EMPLOYMENT TRIBUNALS

Claimant: Mr M Bandura
Respondent: Mr M Fernandez
Heard at: London South
On: 3.2.22
Before: Employment Judge McLaren
Members Mr J Gautrey- Jones
Mrs R Bailey

Representation

Claimant Mr. Philips, lay representative
Respondent: Mr. P Edmonds, Solicitor

JUDGMENT

The unanimous decision of the employment tribunal is that the claimant is awarded £121,462 . This is made up of the following elements.

1. Unlawful deduction of wages for being paid below the national living wage £20,635
2. Four weeks pay for failure to be provided with a written statement of employment terms calculated as £1658
3. Loss of employment rights £500
4. Basic award of £11,816.10
5. Compensatory award of £44,811.68. This is subject to 25% uplift in compensation for failure to follow the ACAS code, being £11,209.92. This is a total compensatory award of £56,014.60
6. An injury to feelings award of £12,000, together with interest on injury to feelings award at 8% for a period of 28 months, £2,240 and interest on the compensatory award calculated at the mid point i.e. a period of 14 months £5,228. This is a total of £19,468
7. The sums paid at paragraph 5 and paragraph 6 need to be grossed up. When grossing up is applied to these two awards the total is £86,853.
8. The figure awarded is the total of items 1,2,3,4 and 6.

Employment Judge McLaren

Date 3.2.22

Notes

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.