



# EMPLOYMENT TRIBUNALS

**Heard at:** Bristol (by video) **On:** 6 to 9 June 2022

**Claimant:** Mr Asif Hussain Bhatti

**Respondent:** Bestway Wholesale Limited

**Before:** Employment Judge Fowell

**Representation:**

**Claimant** In Person

**Respondent** Mr Gareth Graham of counsel, instructed of Worknest Law

## JUDGMENT

1. The claimant's dismissal was fair.
2. The dismissal was not in breach of contract.
3. The complaint of discrimination on grounds of race is dismissed.
4. The complaint of discrimination on grounds of race is dismissed.
5. The complaint of automatically unfair dismissal for making a protected disclosure is dismissed.
6. There was no breach of Regulation 11 Working Time Regulations 1998 in relation to holiday pay.
7. The claimant was not entitled to a redundancy payment.
8. There was an unlawful deduction from wages in respect of the claimant's pay while suspended in the sum of **£20,095.31**.
9. Applying the guidance in **Walters t/a Rosewood v Barik UKEAT/0053/16/BA**, the award for unlawful deduction from wages is a gross amount which the respondent can satisfy by payment to the claimant of the net amount due and payment to HMRC of any tax and national insurance which falls to be deducted at source.

Employment Judge Fowell

Date 09 June 2022

Judgment sent to the parties: 21 June 2022

**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 or a written request is presented by either party within 14 days of the sending of this written record of the decision. If any application for anonymity is to be made that should be included with the request for written reasons.