



EMPLOYMENT TRIBUNALS

Claimant: José Hector Quiquijana Titirico

Respondent: (1) Small and Beautiful Limited (2) Skender Syka

Heard at: Watford Employment Tribunal **On:** 7 July 2022

Before: Employment Judge Forde

Representation

Claimant: Mr D Rommer, Solicitor

Respondent: First and Second Respondents did not attend and were not represented.

Remedy Judgment

1. The tribunal finds that the Claimant is successful in his claim and is awarded the sum of £17,021.79.
2. Of the award set out at 1. above, the First Respondent is responsible for the payment of the compensatory award, namely £9,742.24.
3. The First Respondent is responsible for payment of the compensation award including statutory rights, assessed in the sum of £11,346.72.
4. The First and Second Respondents are jointly and separately liable for payment to the Claimant in the sum of £5,675.07 awarded in respect of non-financial loss.

Reasons

Following the tribunal's finding in respect of liability, the tribunal makes the following findings:

The Claimant's D.O.B. is 19/03/1972 which means he was 48 when he was employed by the first respondent. The date upon which the Claimant started employment his employment with the first respondent was 29/10/2020. The

effective date of termination (EDT) was 11/01/2021.

The tribunal finds on the balance of probabilities that the claimant started equivalent work or was expected to have started work by 01/04/2021.

For the purposes of the remedy calculations the tribunal found the following:

- 1) That the claimant did not have a written contract and therefore he was entitled to statutory notice of Notice 1 week.
- 2) The claimant's net weekly pay at EDT was £342.80.
- 3) The claimant's gross weekly pay at EDT was £401.12.

Based upon these findings the tribunal calculated remedy in the following way:

Compensatory Award

Loss of net earnings – 11.4 weeks x net weekly pay (£342.80): £3,907.92

Plus loss of statutory rights: £500.00

Less sums obtained, or should have been obtained through mitigation: minus £48.97

Total: £4,358.95

Holiday pay: £308.64

Unlawful deductions: £2,292.48

Failure to produce pay records – 80 hours gross pay at £8.91 per hour: £712.80

Total: £3,313.92

Compensatory award before adjustments: £9,742.24

Adjustments to Total Compensatory Award

4) Failure by employer to follow statutory procedures at 25%: £1,662.86

Plus interest (compensatory award) @ 8% for 308 days: £406.51

Total compensatory award with adjustments: 9,742.24

Failure to Provide Written Particulars

Number of weeks (4) x gross weekly pay (£401.12): £1,604.48

Non-Financial Losses

Injury to feelings: £5,000.00

Plus interest @ 8% for 616 days: £675.07

Total non-financial award: £5,675.07

Summary Totals

Compensation award including statutory rights: £11,346.72

Non-financial loss: £5,675.07

TOTAL: £17,021.79

Employment Judge **Forde**

Date: 2 February 2023

JUDGMENT SENT TO THE PARTIES ON

3 February 2023

FOR THE TRIBUNAL OFFICE

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.