



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr J Akhtar

v

ESG Security Limited

Heard at: **Birmingham** On: **25 and 26 May 2023**
(conducted in public on
the Cloud Video
Platform)

Before: **Employment Judge Kenward (sitting alone)**

Appearances

For the Claimant: **Mr M Mohzam, Solicitor**

For the Respondent: **Mr Z Iqbal (Senior Operations Manager)**
assisted by Ms V Hall (Front of House Administrator / HR)

JUDGMENT

1. The complaint of unfair dismissal (on the basis of the Claimant's resignation having amounted to a constructive dismissal) is well-founded and succeeds.
2. The complaint of wrongful dismissal (on the basis of the Claimant's resignation having amounted to a constructive dismissal without notice and / or notice pay) is well-founded and succeeds on the basis that the Claimant is entitled to notice pay for 10 weeks from 7 June 2022 to 15 August 2022 inclusive less any deductible benefits or earnings from alternative employment received for this period, with the amount due to be assessed by the Tribunal (for which purposes the Tribunal has given Directions in a separate Order).
3. The Respondent is ordered to pay the Claimant compensation for unfair dismissal comprising of:
 - (1) a basic award in the sum of £4,560.00;
 - (2) a compensatory award consisting of a non-prescribed element only in respect of loss of pension rights in the form of employer's pension contributions for the period between 7 June and 11 July 2022 inclusive, with the amount due to be assessed by the Tribunal (for which purposes the Tribunal has given Directions in a separate Order).
4. The Claimant's complaint in respect of unlawful deductions from wages is well-founded and upheld to the extent that the Claimant is entitled to pay arrears in the sum of £66.50 gross and the Respondent is accordingly ordered to pay £66.50 to the Claimant.



5. The Claimant's complaint in respect of holiday pay is not well-founded and is dismissed.
6. The Claimant's complaint in respect of any entitlement to other payments besides those detailed above is not well-founded and is dismissed.
7. For the purposes of the *Employment Protection (Recoupment of Jobseeker's Allowance and Income Support) Regulations 1996*, the prescribed element of any award is nil.
8. The Claimant's application for costs is not well-founded and is dismissed.

Signed

Employment Judge Kenward

Dated 26th May 2022

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.