



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr Ali Shahbibi

**Respondent:** Riley Foods Limited

**HELD AT:** Manchester

**ON:**

18 May 2023

**BEFORE:** Employment Judge Mellor

**REPRESENTATION:**

**Claimant:** Mr Morris (solicitor)

**Respondent:** Did not attend – no response submitted.

## JUDGMENT

1. The claims of direct and/or indirect race discrimination under the Equality Act 2010 are dismissed upon withdrawal.
2. It is 'just and equitable' to award an uplift of 25% for failure to comply with the ACAS Code of Practice on Disciplinary and Grievance procedures ("the ACAS uplift").
3. The claim for unfair dismissal succeeds and the respondent is ordered to pay to the claimant the following sums:
  - a. a basic award of £1513.92 (3 x £504.64);and
  - b. compensatory award of £8,103.14 (that is loss of earnings of 24 weeks less income from his new job £7603.14 plus £500 loss statutory rights); and
  - c. An increase of 25% on the compensatory award for failure to comply with the ACAS code of practice of £2025.79.
  - d. **Total award for unfair dismissal £11,642.85**
4. The claimant's claim for notice pay succeeds, the claimant is entitled to two weeks' notice pay which amounts to £796.44 (this sum is included in the above calculation).
5. The respondent made an unauthorised deduction from wages by failing to pay the claimant his accrued but untaken holiday pay and the respondent is ordered to pay the claimant **£1729.91**.

6. The respondent is ordered to pay the claimant additional compensation pursuant to section 38 Employment Act 2002 for failure to provide the claimant with a written statement of employment particulars and the respondent shall pay to the claimant the gross sum of **£1592.88** (representing 4 weeks' pay).
7. The total sum payable by the respondent to the claimant is **£14965.64**.

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Employment Judge Mellor

18 May 2023

JUDGMENT SENT TO THE PARTIES ON

31 May 2023

FOR THE TRIBUNAL OFFICE

Notes

1. 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.
2. Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: **2406473/2022**

**Mr Ali Shahbibi v Riley Foods 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 decision day" is: 1 June 2023

"the calculation day" is: 2 June 2023

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

Mr P Guilfoyle  
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/collections/employment-tribunal-forms](http://www.gov.uk/government/collections/employment-tribunal-forms)

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.