



EMPLOYMENT TRIBUNALS

Claimant

Mr Jacek Zimnica

v

First Respondent

PMP Recruitment Limited (In
administration)

Second Respondent

Secretary of State for Business,
Energy and Industrial Strategy

Heard at: Cambridge

On: 11 August 2023

By CVP.

Before: Employment Judge L Brown

Representation:

For the Claimant: In Person

For the First Respondent: Did not attend

JUDGMENT

1. Pursuant to my case management powers under Rule 29 of The Employment Tribunals (Constitution and Rules of Procedure) Regulations 2013 I order that the Secretary of State for Business, Energy and Industrial Strategy is added to the proceedings as a Second Respondent.
2. The Second Respondent did not employ the Claimant. It is a party to the claim in its capacity as statutory guarantor. For the avoidance of doubt, this Judgment does not purport to place any additional liability on the Second Respondent.

3. I ordered, that the hearing be converted from a preliminary hearing to a final hearing.
4. The Claimant's claims of direct discrimination on the grounds of age, race, and sex contrary to s.13 of the Equality Act 2010 are well-founded and succeed. The First Respondent is ordered to pay the net sum of **£14,604.68** by way of remedy for that discrimination for injury to feelings and net consequential losses, to include interest at the statutory rate of 8%.
5. The Claimant's claims of direct discrimination on the grounds of religious or philosophical belief contrary to s.13 of the Equality Act 2010 are not well founded and fail.
6. The Claimant's claims of harassment contrary to s.26 of the Equality Act 2010 on the ground of his race, age and sex are well-founded and succeed. The First Respondent is ordered to pay the net sum of **£3690.36** by way of remedy for that harassment for injury to feelings, to include interest at the statutory rate of 8%.
7. The Claimants claims of harassment contrary to s.26 of the Equality Act 2010 on the grounds of religious or philosophical are not well-founded and fail.
8. I declare that the Claimant's complaint that the First Respondent made unauthorised deductions from his wages contrary to s.13 of the Employment Rights Act 1996 by way of failure to pay accrued holiday pay are well-founded and succeed.
9. The Respondent owed the Claimant ten days holiday pay at termination, and this amounted to £840.00 at a rate of £84.00 a day. The Respondent made a payment of £424.79 on termination for holiday pay leaving the sum due of £415.21 and I order the First Respondent to pay the gross sum of **£415.21** subject to any deductions necessary for national insurance and tax.
10. The Respondent was liable to pay one weeks' statutory notice at termination and this amounted to £420.00 and I order the First Respondent to pay the gross sum of **£420.00** subject to any deductions necessary for national insurance and tax.
11. The Claimants remaining claim for unpaid wages was not well-founded and fails.
12. The Claimant's claim that the First Respondent failed to provide a written statement of particulars of employment contrary to s.1 of the Employment Rights Act 1996 is well-founded and succeed and I order the First Respondent to pay the four weeks gross pay in the sum of **£1680.00**.

Employment Judge Brown

Date: 4/9/2023

Sent to the parties on: 19/9/2023

N Gotecha
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.