



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr B Tam

**Respondent:** BE Foods Ltd

**Heard at:** Cardiff Employment Tribunal (by video) **On:** 11 September 2023

**Before:** Employment Judge E Macdonald

## Representation

Claimant: Mr A Timol (Solicitor)

Respondent: no appearance or representation

# JUDGMENT

1. The complaint of unfair dismissal is well-founded.
2. The complaint of unlawful deductions from wages contrary to s 13 Employment Rights Act 1996 and presented pursuant to s 23 Employment Rights Act 1996 is well-founded
3. The claim for holiday pay is not well-founded and is dismissed.
4. The claim for breach of contract (notice pay) is well-founded.
5. The claim under s 38 Employment Act 2002 (failure to provide written statement of employment particulars) is dismissed upon withdrawal.
6. The Respondent is ordered to pay to the Claimant the following sums in respect of unfair dismissal:
  - a. £1,427.50 (basic award)
  - b. £3,056.12 (compensatory award)
  - c. £305.61 (10% uplift on compensatory award for unreasonable failure to comply with the ACAS Code of Practice on Disciplinary and Grievance Procedures:
  - d. £500 (loss of statutory rights)
7. No separate award is made in respect of notice pay.
8. The Respondent is ordered to pay to the Claimant the following sum in respect of unlawful deductions from wages: £9,784.01
9. The total payable by the Respondent to the Claimant is £15,073.24

Employment Judge **E Macdonald**  
Date **11 September 2023**

JUDGMENT SENT TO THE PARTIES ON 12 September 2023

FOR THE TRIBUNAL OFFICE Mr N Roche

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.

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