



EMPLOYMENT TRIBUNALS

BETWEEN

Claimant
Ms Nawaz

Respondent
Fenco Ltd t/a Homesafe Housing

AND

JUDGMENT OF THE EMPLOYMENT TRIBUNAL

HELD AT Midlands West

ON

23 – 25 August
17 October 2023

EMPLOYMENT JUDGE Harding

MEMBERS
Ms Astill
Mr Khan

Representation

For the Claimant: Mr Riaz, Claimant's friend

For the Respondent: Ms Splavska, Consultant

JUDGMENT

The unanimous judgment of the tribunal is that:

1 The claimant's claim of detriment on the grounds of having made a public interest disclosure contrary to section 48 of the Employment Rights Act 1996 fails and is dismissed.

2 The claimant's claim of automatically unfair dismissal on the grounds of having made a public interest disclosure contrary to section 103A of the Employment Rights Act 1996 succeeds.

Note: written reasons will not be provided unless requested at the Hearing itself or in writing within 14 days of the sending of the written record of the decision, Rule 62(3).

3 The claimant's claim of direct discrimination because of religion contrary to sections 13 and 39 of the Equality Act 2010 fails and is dismissed.

4 The claimant's claims of direct discrimination because of sex contrary to sections 13 and 39 of the Equality Act 2010 is out of time. It is not just and equitable to extend the time limit. The claims are therefore dismissed.

5 The claimant's claim of an unauthorised deduction from her wages is well founded in relation to underpayments of salary for the period September – December 2019.

6 The claimant's claim in respect of holiday pay is well founded. The respondent failed to pay the claimant on termination of employment in respect of 11.7 days accrued but untaken leave.

7 The claimant's claim for breach of contract is well founded. The respondent was in breach of contract in failing to pay the claimant an agreed sum of £1,00 for mileage and £244 for damage to the claimant's wing mirror whilst at work. The remainder of the claimant's breach of contract claim (£7,000 for out of hours/on call work and £56 for mobile phone rental charges) fails and is dismissed.

8 There will be remedy hearing on 17 November 2023.

Employment Judge Harding
Dated: 17 October 2023