



EMPLOYMENT TRIBUNALS

Claimant

Respondents

Mr M T Rehan

v **1. Mr I Illahi**

2. Yaadgaar (Sheff) Limited

3. Yaadgaar Bakeries Limited

PRELIMINARY HEARING

Heard at: Sheffield

On: 08 May 2018

Before: Employment Judge Rostant

Representation:

Claimant: In person

Respondent: No appearance

JUDGMENT

1. The claim against the third respondent is dismissed as standing no reasonable prospect of success.
2. The claim of race discrimination is dismissed upon withdrawal and accordingly the claim against the first respondent is dismissed.
3. I find that the claimant was employed by the second respondent.
4. I grant the claimant's application to amend the claim to include a claim of automatically unfair dismissal for having made a protected disclosure. (s103A Employment Rights Act 1996).
5. The claim of unfair dismissal is upheld and the respondent is ordered to pay the claimant the sum of £6,128.10. That sum is calculated as follows:
No basic award (claimant employed less than two years)
Loss of wages £557.10 (gross) x 11 = £6,128.10
6. The claim of unauthorised deduction from wages contrary to S13 Employment Rights Act is upheld.
The respondent is entitled to pay the claimant £3,899.70 (gross).
7. The claim of failure to provide itemised pay statements is upheld and the respondent is ordered to pay the claimant such sum as would have been deducted from the payment of £3,899.70 to meet the obligation for tax and national insurance.

For the avoidance of doubt the total sum for heads 6 and 7 is £3,899.70 to be paid without deductions.

8. The application to amend the claim to include a claim for accrued holiday entitlement on termination is dismissed.
9. The claim for compensation for failure to grant rest breaks in accordance with the provisions of Regulation 12 Working Time Regulations 1998 is upheld and the respondent is ordered to pay the claimant compensation in the sum of £500.00.
10. The complaint of failure to provide a statement of terms and conditions is upheld and the respondent is ordered to pay the claimant the sum of £1,800.00 (4 x £450).

Employment Judge Rostant

Date: 9 May 2018

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.