



# EMPLOYMENT TRIBUNALS

## Claimant

## Respondent

v

Mr J H Quiquijana Titirico

1. Small and Beautiful Limited  
2. Skender Syka

**Heard at:** Watford  
**Before:** Employment Judge Forde

**On:** 7 July 2022

## Appearances

**For the Claimant:** Mr D Rommer, Solicitor.  
**For the First Respondent:** Did not attend and was not represented  
**For the Second Respondent:** Did not attend and was not represented

## JUDGMENT

1. The claimant's claim of automatic unfair dismissal pursuant to s.104(1)(b) of the Employment Rights Act 1996 ("ERA") against the First Respondent is well-founded and succeeds.
2. The claimant's claim of automatic unfair dismissal pursuant to s.104(a) ERA 1996 against the First Respondent is unfounded and does not succeed.
3. The claimant's claim of a detriment for a minimum wage reason contrary to s.23 NMWA 1998 against the First Respondent is well-founded and succeeds.
4. The claimant's claim of direct race discrimination contrary to s.13 Equality Act 2010 ("EQA") against the First and Second Respondents is well-founded and succeeds.
5. The claimant's claim of victimisation contrary to s.27 EQA 2010 is not founded.
6. The claimant's claim of unlawful deduction is well-founded and succeeds.
7. The claimant's claim of wrongful dismissal is well-founded and succeeds.
8. The claimant's claim in respect of unpaid holiday pay well- founded and succeeds.

9. The claim in respect of failure to provide written particulars or itemised pay statements well-founded and succeeds.
10. The claimant's claim for compensation in accordance with s.11(2)(b) of NMWA 1998 against the First Respondent well-founded and succeeds.
11. The First Respondent is found to have acted unreasonably in failing to comply with its obligations in respect of the Acas Code and the claimant's award is subject to an uplift of 25%.

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Employment Judge Forde

Date: 7 November 2022

Sent to the parties on:

7 November 2022

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.