



EMPLOYMENT TRIBUNALS

Claimant: Mr Z Ahmed
Respondent: Fortem Global Limited

Heard at: Leeds Employment Tribunal
Before: Employment Judge Deeley, Mrs J Hiser and Mr D Fields

On: 14-16 June 2021

Representation
Claimant: In person
Respondent: Did not attend

JUDGMENT

1. The claimant's claim for constructive (unfair) dismissal under s98 of the Employment Rights Act 1995 is well founded and succeeds.
2. The claimant's claims for:
 - 2.1 direct discrimination and harassment (both of which relate to the claimant's race and religious belief) under s13 and 26 of the Equality Act 2010;
 - 2.2 unauthorised deductions from wages under s13 of the Employment Rights Act 1996; and
 - 2.3 breach of contract;

consist of several overlapping complaints. The complaints which are well founded and succeed are detailed in the table below. For the avoidance of doubt, all other complaints fail and are dismissed.

Allegation number(s) (see list of issues)	Legal complaints that succeeded
1, 2, 3 (relating to the 2016 year end incentive only), 4, 7, 13 and the claimant's dismissal	Direct discrimination (race and religious belief)
5, 6, 9 and 10	Harassment (race), Direct discrimination (religious belief) <i>The claimant did not allege harassment (religious belief) in relation to these complaints.</i>
11	Harassment (race and religious belief)
13	Breach of contract

3. The respondent is ordered to pay the claimant the award set out in the table below. The award parts of the award relating to direct discrimination and harassment are inclusive of any interest due to the claimant.

Award	Amount
Basic award (unfair dismissal)	£1553.51
Compensatory award (including: <ul style="list-style-type: none"> - loss of earnings (unfair dismissal and discrimination claims, inclusive of interest on discrimination claims) - loss of statutory rights - 10% uplift for breach of ACAS Code - gross up of amount over £30,000 for tax 	£55,496.92
Financial loss of commission arising from direct discrimination allegation 7 plus 10% uplift for breach of ACAS Code	£1,100 (gross)
Breach of contract (commission payments) plus 10% uplift for breach of ACAS Code	£5,500 (gross)
Breach of contract (salary payments) plus 10% uplift for breach of ACAS Code	£17,921.94 (gross)
Injury to feelings award (inclusive of interest) plus 10% uplift for breach of ACAS Code	£16,500

NOTES

4. Neither party objected to holding this hearing as a remote hearing. The form of remote hearing was "V: video - fully (all remote)". A face to face hearing was not held because it was not practicable and all issues could be determined at a remote hearing.

5. The respondent did not attend the hearing and did not provide any witness statements or any other documents for the Tribunal's consideration.
6. 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.
7. Judgments and reasons for the judgments are published, in full, online at www.gov.uk/employment-tribunal-decisions shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.

Employment Judge Deeley
Date: 16 June 2021

Date: 18 June 2021