



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr N Kun

**Respondent:** Gill Foods Limited

**Heard at:** Manchester (by CVP)

**On:** 11 March 2021

**Before:** Employment Judge Whittaker  
(sitting alone)

## REPRESENTATION:

**Claimant:** In person

**Respondent:** Not in attendance

# JUDGMENT

The judgment of the Tribunal is that:

1. The respondent shall pay the claimant the sum of £912.17 by way of unpaid wages/unlawful deductions from wages.
2. The claimant's claims of race and religious discrimination as set out in paragraphs 12.3-12.9 of the Case Management Summary relating to the Preliminary Hearing on 14 August 2020 and clarified in paragraph 8 of the Case Management Summary relating to the Preliminary Hearing on 9 December 2020 succeed.
3. The claimant withdraws any claims in respect of the Transfer of Undertakings Regulations 2006.

# REASONS

1. Following the Preliminary Hearing held on 9 August 2020, the claimant was ordered to provide details of the amounts and calculation of the unpaid wages/deductions from wages which he was claiming. In an email dated 9 December 2020 sent at 22:51 to the respondent and to the Tribunal the claimant clarified that the amounts he was owed were £15.50, £10.67, £134.84 and £821.16. He set out how those amounts were calculated and why those amounts were due to him from the respondent. At no stage has the respondent submitted any dispute of either the amounts or the method of calculation adopted by the claimant.

2. At the Preliminary Hearing on 9 December 2020 it was noted that the respondent had not entered any Response to any of the claims of the claimant. Mr Gill, who appeared on behalf of the respondent company, asked for time to enter a Response and offered a detailed explanation as to why a Response had not yet been filed. The Tribunal on 9 December 2020 granted the respondent a fresh opportunity to file a Response to the claims of the claimant but indicated that it must do so by 19 February 2021. No such Response was ever filed. At the hearing today therefore, on 11 March 2021, no Response to any of the claims lodged by the claimant had been filed, and no request for any extension of the relevant time limit – 19 February 2021 – had been submitted on behalf of the respondent.

3. The Tribunal and the claimant were assisted by an interpreter, Ms Roka, who was able to assist in translation of the Hungarian language. She took the interpreter's oath. The claimant affirmed. The claimant carefully considered his email of 9 December 2020 and the four paragraphs of explanation and the four separate sums of money to which the Tribunal has referred above. The claimant confirmed on oath that the calculations were accurate and that the circumstances giving rise to him being owed those monies were true. The Tribunal therefore ordered that the total of those four sums of money should be paid by the respondent to the claimant in the sum of £982.17.

4. The claims of race and religious discrimination had been summarised in paragraphs 12.3-12.9 inclusive in the Case Management Summary sent to the parties following the Preliminary Hearing on 14 August 2020. They had been clarified in paragraph 8 of the Case Management Summary sent to the parties following the Preliminary Hearing on 9 December 2020. The claimant confirmed on oath that the circumstances as described by the claimant of the acts of discrimination were true. The respondent had not filed any Response to any of the allegations of discrimination. The Tribunal therefore found those allegations of discrimination proven and the claims of race and religious discrimination therefore succeed.

5. The possibility of the claimant having included claims under the TUPE Regulations 2006 had been discussed with the claimant at the Preliminary Hearing on 9 December 2020. However, following discussion with the claimant today he confirmed he did not wish to pursue any claims in respect of those Regulations, and any such claims which may have been represented by the claimant's claim form or additional particulars supplied by the claimant were withdrawn.

Employment Judge Whittaker

Date: 13<sup>th</sup> March 2021

JUDGMENT AND REASONS SENT TO THE PARTIES ON

DATE: 30 March 2021

FOR THE TRIBUNAL OFFICE

**Public access to employment tribunal decisions**

Judgments and reasons for the judgments are published, in full, online at [www.gov.uk/employment-tribunal-decisions](http://www.gov.uk/employment-tribunal-decisions) shortly after a copy has been sent to the claimant(s) and respondent(s) in a case.



## NOTICE

### THE EMPLOYMENT TRIBUNALS (INTEREST) ORDER 1990

Tribunal case number: 2415197/2019  
Mr N Kun v Gill Foods Limited

The Employment Tribunals (Interest) Order 1990 provides that sums of money payable as a result of a judgment of an Employment Tribunal (excluding sums representing costs or expenses), shall carry interest where the full amount is not paid within 14 days after the day that the document containing the tribunal's written judgment is recorded as having been sent to parties. That day is known as "*the relevant decision day*". The date from which interest starts to accrue is called "*the calculation day*" and is the day immediately following the relevant decision day.

The rate of interest payable is that specified in section 17 of the Judgments Act 1838 on the relevant decision day. This is known as "the stipulated rate of interest" and the rate applicable in your case is set out below.

The following information in respect of this case is provided by the Secretary of the Tribunals in accordance with the requirements of Article 12 of the Order:-

"the relevant decision day" is: 30 March 2021

"the calculation day" is: 31 March 2021

"the stipulated rate of interest" is: **8%**

For the Employment Tribunal Office

## INTEREST ON TRIBUNAL AWARDS

### **GUIDANCE NOTE**

1. This guidance note should be read in conjunction with the booklet, 'The Judgment' which can be found on our website at

[www.gov.uk/government/collections/employment-tribunal-forms](http://www.gov.uk/government/collections/employment-tribunal-forms)

If you do not have access to the internet, paper copies can be obtained by telephoning the tribunal office dealing with the claim.

2. The Employment Tribunals (Interest) Order 1990 provides for interest to be paid on employment tribunal awards (excluding sums representing costs or expenses) if they remain wholly or partly unpaid more than 14 days after the date on which the Tribunal's judgment is recorded as having been sent to the parties, which is known as "the relevant decision day".

3. The date from which interest starts to accrue is the day immediately following the relevant decision day and is called "the calculation day". The dates of both the relevant decision day and the calculation day that apply in your case are recorded on the Notice attached to the judgment. If you have received a judgment and subsequently request reasons (see 'The Judgment' booklet) the date of the relevant judgment day will remain unchanged.

4. "Interest" means simple interest accruing from day to day on such part of the sum of money awarded by the tribunal for the time being remaining unpaid. Interest does not accrue on deductions such as Tax and/or National Insurance Contributions that are to be paid to the appropriate authorities. Neither does interest accrue on any sums which the Secretary of State has claimed in a recoupment notice (see 'The Judgment' booklet).

5. Where the sum awarded is varied upon a review of the judgment by the Employment Tribunal or upon appeal to the Employment Appeal Tribunal or a higher appellate court, then interest will accrue in the same way (from "the calculation day"), but on the award as varied by the higher court and not on the sum originally awarded by the Tribunal.

6. 'The Judgment' booklet explains how employment tribunal awards are enforced. The interest element of an award is enforced in the same way.