



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr M Malinowski

**Respondent:** UKCAKE Ltd

**Heard at:** London South by CVP **On:** 27, 28, 29 30 June 2022

**Before:** Employment Judge Khalil sitting with members  
Ms S Dengate  
Mr K Murphy

## Appearances

For the claimant: Mr Marczyk and assisted by a Polish Interpreter  
For the respondent: Mr Debenko, General Manager

## JUDGMENT

### Unanimous Decision:

The claimant claims for Direct Race Discrimination and Direct Sexual Orientation Discrimination and Harassment contrary to S.13 and S.26 Equality Act 2010 are not well founded and the claims fail.

The Tribunal did not have jurisdiction to hear the claim for Unfair Dismissal contrary to S.94/95/98 Employment Rights Act 1996 and thus the claim is dismissed.

The unauthorised deductions claim under S.13/23 Employment Rights Act 1996, the notice pay/breach of contract claim is dismissed upon the claimant's withdrawal of these claims.

Reasons were given at the time and written reasons will not be provided unless they are asked for by a written request presented by any party within 14 days of the sending of this written record of the decision.

### Public access to Employment Tribunal decisions

All 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.

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**Employment Judge Khalil**

**30 June 2022**