



# EMPLOYMENT TRIBUNALS

**Claimant:** Mr A Osemene

**Respondent:** Hewitt Homes Ltd

**Heard at:** Birmingham (by video)

**On:** 20 August 2024

**Before:** Employment Judge V Jones

## Representation

For the claimant: In person

For the respondent: no appearance

## JUDGMENT

- The claimant's claim under section 23(1) Employment Rights Act 1996 (ERA) is well-founded. The respondent made unlawful deductions from the claimant's wages between 22 June 2024 and 16 July 2024 inclusive by not paying him any wages, contrary to section 13 ERA. The total sum underpaid was £1,474.34 calculated as follows:

### Wages due

Induction meeting payment (3 hours @ 10.63 per hour)	31.89
Total gardening/cleaning work 15 hours @ 10.63 per hour	159.45
Total support work 70 hours @ 10.63 per hour	744.10
Total sleep in nights 7 nights @ £20 per night	140.00
<u>Add</u> additional payment (double time) for night shifts on 11,13-15 July inclusive 4 overnight shifts @ £20	80.00
And day shifts on 14,15,16 July 3 shifts x 10 hours @ 10.63	318.90
<u>Total</u>	<u>£ 1,474.34</u>

2. The respondent is ordered to pay the claimant the sum of £1,474.34 unlawfully deducted, under section 24(1) ERA.
3. The respondent discriminated against the claimant contrary to the Equality Act 2010 (EQA) by:
  - 3.1 Subjecting the claimant to direct discrimination because of his race, contrary to sections 9 and 13 EQA
  - 3.2 Subjecting the claimant to harassment related to his race contrary to sections 9 and 26 EQA
4. The claimant is awarded compensation under s124 Equality Act as set out below.

Compensation for injury to feelings	£10,000
Interest at 8% p.a. from 29 July 2023 to date of hearing (55 weeks)	<u>£ 1,057.70</u>
<u>Total</u>	<u>£11,057.70</u>

5. The respondent failed to provide the claimant with a statement of the principal terms and conditions of his employment contrary to section 1 Employment Rights Act 1996. The respondent is ordered to pay the claimant compensation of £496.80 (2 weeks pay) under section 38 Employment Act 2002
6. The total amount payable by the respondent to the claimant is **£13,028.84**

Employment Judge V. Jones

Date 27 August 2024

**Note**

Written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

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