



EMPLOYMENT TRIBUNALS

Claimant: (1) QWE & (2) RTE

Respondent: Shiry Ltd t/a Persia Hove

Heard at: London South Employment Tribunal

On: 25 March 2024

Before: Employment Judge Dyal, Mrs Nicola Beeston and Ms Alison Sansome

Representation:

Claimants: Mr NMH, lay representative (Claimants' stepfather)

Respondent: Mr Abdulkhani, Ms Santos and Ms Ghaley, all lay representatives

JUDGMENT

Liability

1. The complaint of unauthorised deduction from wages is dismissed upon withdrawal.
2. The following complaints of harassment related to sex succeed in respect of the following conduct:
 - a. Both Claimants had their arms squeezed leaving marks on the skin;
 - b. Mr Abdulkhani repeatedly told the Claimants he would kill them;
 - c. Mr Abdulkhani put his hands on the top of QWE's arms, and turned her around aggressively and abruptly, and shouted "*don't you ever do this again, I'll kill you understand?*";
 - d. Mr Abdulkhani said to QWE, "*you'll be fine as long as you can deal with my anger, I don't want you to go back and tell your mum I'm horrible, I do shout a lot and lose my temper.*"
 - e. Mr Abdulkhani said to both Claimants "*back in my country girls your age are married with two children and therefore I expect better from you*".
 - f. A work colleague named Ali said to RTE, "*wow you're so pretty don't you*

have a boyfriend”.

3. The following complaint of harassment related to age succeeds:
 - a. The Claimants were removed from the WhatsApp group where they accessed their rota resulting in their dismissal.
4. The claims otherwise fail and are dismissed.

Remedy

5. The Respondent shall pay to QWE the following sums:

Injury to feelings	£25,000 (of which £20,000 is apportioned to injury to feelings for pre-dismissal complaints and £5,000 relates to injury to feelings for the dismissal complaint)
ACAS uplift of 10% on ITF	£2,500
Interest on ITF	£3,417.43
Loss of earnings	£5,632
ACAS uplift 10%	£563.20
Interest on loss of earnings	£384.72
Failure to provide written particulars	£768
Total	£38,265.35

6. The Respondent shall pay to RTE the following sums:

Injury to feelings	£18,000 (of which £14,400 is apportioned to injury to feelings for pre-dismissal complaints and £3,600 relates to injury to feelings for the dismissal complaint)
ACAS uplift on ITF	£1,800
Interest on ITF	£2460.62
Loss of earnings	£1,498
ACAS uplift 10%	£149.80
Interest on loss of earnings	£102.33
Failure to provide written particulars	£364
Total	£24,374.75

Employment Judge Dyal

**Case no. 2304410/2022
2304411/2022**

Date 28 March 2024