

EMPLOYMENT TRIBUNALS

Claimant: Mr.M.S. Ibrahim
Respondent: Penai Constructions Limited
Heard at: London South Hearing Centre by CVP
On 17/4/24
Before: Employment Judge McLaren

Representation

Claimant: Mr. M. Lansman, Counsel
Respondent: Ms. M. Sharp, Counsel

JUDGMENT

The decision of the tribunal is that: -

1.The complaint of unfair dismissal is well-founded. This means the respondent unfairly dismissed the claimant.

2.The claimant's complaint that the respondent refused to permit him to exercise a right he had under regulation 13 and 13A of the Working Time regulations 1998 is well-founded.

3.The complaint of breach of contract for failure to make any payment in lieu of notice is well-founded.

4.The complaint of breach of contract for failure to make pension contributions was withdrawn by the claimant and is dismissed on that basis.

5.The complaint that the respondent did not provide a statement of initial employment particulars is well-founded.

6.The claimant is awarded a total of £30,987.12 are set out below:-

- a) A basic award of £4666.44. This is calculated as $12 \times £388.87$ being a gross week's pay.
- b) A compensatory award of 18 days' pay calculated at a daily rate of £55.40 being £997.20.
- c) The sum of £500 to reflect the claimant's loss of statutory rights.
- d) Holiday pay of £23,268 calculated as 420 days outstanding holiday (being 15 years multiplied by 28) at a daily rate of £55.40.

- e) £1555.48 being four weeks' pay for failure to provide a statement of initial employment particulars.

F. McLaren

Employment Judge McLaren

Date 17th April 2024

Sent to the Parties

18th April 2024

For the Tribunal

P Wing

Notes

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.

Public access to employment tribunal decisions

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.

Recording and Transcription

Please note that if a Tribunal hearing has been recorded you may request a transcript of the recording, for which a charge may be payable. If a transcript is produced it will not include any oral judgment or reasons given at the hearing. The transcript will not be checked, approved or verified by a judge. There is more information in the joint Presidential Practice Direction on the Recording and Transcription of Hearings, and accompanying Guidance, which can be found here:

<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>