



EMPLOYMENT TRIBUNALS

Claimant: Mr G Ashworth

Respondent: Help Your Claim Ltd

Heard at: Manchester

On: 20 September 2018

Before: Employment Judge Franey
(sitting alone)

REPRESENTATION:

Claimant: In person

Respondent: Did not attend

JUDGMENT

Employment Tribunals Rules of Procedure 2013 – Rule 21

In the absence of any response form from the respondent the judgment of the Tribunal is as follows:

1. The complaint of “constructive” unfair dismissal contrary to Part X Employment Rights Act 1996 is well-founded. The claimant was unfairly dismissed.
2. The complaint of breach of contract in relation to notice of termination of employment succeeds.
3. The complaints made by way of breach of contract and under the Working Time Regulations 1998 in respect of a failure to pay the claimant for accrued but untaken annual leave at the date employment ended succeed.
4. The complaint of unlawful deductions from pay succeeds.
5. The following complaints of disability discrimination contrary to the Equality Act 2010 succeed:
 - (a) A complaint of harassment related to disability contrary to section 26 in respect of incidents on 28 February, 23 March and two incidents on 4 April 2018;
 - (b) A complaint of a breach of the duty to make reasonable adjustments contrary to sections 20 and 21 in relation to the failure of the respondent

to make adjustments to its workload expectations and bonus structure so as to avoid the substantial disadvantage which the claimant faced as a consequence of those provisions, criteria or practices; and

- (c) A complaint of discrimination arising from disability contrary to section 15 Equality Act 2010 in relation to the (constructive) dismissal of the claimant, that dismissal amounting to unfavourable treatment because of something (his absence and a perception of the impact of his medical conditions on his ability to work) which arose in consequence of his disability and which was not justified.

6. The remedy for the successful complaints will be determined at a remedy hearing fixed for **10.00am on Thursday 29 November 2018 at Alexandra House, 14-22 The Parsonage, Manchester, M3 2JA.**

Employment Judge Franey

25 September 2018

JUDGMENT SENT TO THE PARTIES ON

5th October 2018

FOR THE TRIBUNAL OFFICE

Note

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.