



# EMPLOYMENT TRIBUNALS

**Claimant:** Simon Henry  
**Respondent:** EE Limited

## AT A HEARING

**Heard at:** Leeds                      **On:** 10<sup>th</sup>, 11<sup>th</sup> 12<sup>th</sup> and 13<sup>th</sup> December 2018  
**Before:** Employment Judge Lancaster  
**Members:** Mrs J Maughan  
                  Mr I Taylor

### Representation

**Claimant:** Mr J Cook, counsel  
**Respondent:** Mrs A Ditta, counsel

## JUDGMENT

1. The Claimant was unfairly dismissed.
2. The claim of a failure to make reasonable adjustments succeeds in respect of the allegation that the Respondent failed in its duty to provide the Claimant with a method of assessment on paper that would have removed the disadvantage of his being unable physically to participate in the selection process for alternative employment by any of the prescribed methods, or the subsequent disadvantage of his not then being appointed to a suitable post where he was the only remaining candidate.
3. The claim of discrimination because of something arising in consequence of the Claimant's disability succeeds in respect of:
  - (i) The allegation that the Respondent subjected him to unfavourable treatment in initiating the sickness absence policy and thereby expressly invoking the possibility of sanction and ultimately dismissal.
  - (ii) The dismissal of the Claimant.
4. All other complaints are dismissed.
5. Remedy is adjourned to a date to be fixed. The parties are to provide an update by no later than 28<sup>th</sup> February 2019, after which further directions will be given as appropriate.

EMPLOYMENT JUDGE LANCASTER

DATE: 17<sup>th</sup> December 2018

