



EMPLOYMENT TRIBUNALS

Claimant: Mr. F. Velluto

Respondent: Kimberley-Clark Ltd.

HELD AT: Mold **ON:** 11 – 15 November 2019

BEFORE: Employment Judge T. Vincent Ryan
Mr. A. Fryer
Ms. C. Williams

REPRESENTATION:

Claimant: Ms. R. Jones, Counsel

Respondent: Mr. O. Prys-Lewis, Counsel

JUDGMENT

The unanimous judgment and declaration of the Tribunal is:

1. The respondent, notwithstanding that it took reasonable steps to attempt to prevent harassment occurring, discriminated against the claimant by harassment in relation to the protected characteristic of disability on 17th October 2018 when, during a disciplinary hearing, he was asked “Why were you in work if it [the claimant’s disabling condition/its symptoms and/or management of them] was that serious?”
2. The respondent shall pay to the claimant £3,000 by way of damages for injury to his feelings in relation to the above judgment.
3. The claimant’s claim of direct discrimination in relation to the protected characteristic of disability is dismissed upon it having been withdrawn by the claimant.
4. The claimant was fairly dismissed by the respondent on 31st October 2018 for a reason related to his conduct.
5. The claimant’s claims that he was unfairly dismissed, and discriminated against in relation to disability (indirectly, by a failure to make reasonable adjustments, because of something arising in consequence of his disability

and, save as provided above at paragraph 1, harassment) fail and are dismissed.

Employment Judge T.V. Ryan

Date: 15.11.19

JUDGMENT SENT TO THE PARTIES ON

19 December 2019

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 (and no such request was made) or a written request is presented by either party within 14 days of the sending of this written record of the decision.