



# EMPLOYMENT TRIBUNALS

**Claimant**

**Respondent**

Mr S Chumber

v

Hestia Healthcare Limited

**Heard at:**

Cambridge – 8, 9 & 10 October 2019

Huntingdon – 21 October 2019 (Discussion day - no parties present)

**Before:** Employment Judge Ord

**Members:** Mr C Davie and Mr B Smith.

**Appearances**

**For the Claimant:** In person.

**For the Respondent:** Mr S Cramsie, Counsel.

## RESERVED JUDGMENT

It is the unanimous decision of the Employment Tribunal that;

1. The claimant was dismissed in breach of his contract of employment (as the respondent has now admitted).
2. The remainder of the claimant's complaints are not well founded and are dismissed.
3. The issue of remedy, if required, will be considered by a Judge sitting alone on 9 December 2019 at Cambridge Employment Tribunal, Cambridge County Court, 197 East Road, CAMBRIDGE, Cambridgeshire, CB1 1BA.

## REASONS

1. This matter came before the tribunal on remission from the Employment Appeal Tribunal.

2. The matter was originally heard by a different tribunal on 5-8 February 2018. The judgment of that tribunal was issued on 27 March 2018. The claimant's complaints were held to be not well founded and his claim was dismissed in its entirety.
3. The claimant's complaints were as follows:
  - (i) That the reason, or the principle reason, for his dismissal was his having made protected disclosures.
  - (ii) That he suffered discrimination, relying on the protected characteristic of disability, when he was dismissed.
  - (iii) That the respondent failed to make reasonable adjustments contrary to s.20 and s.21 of the Equality Act 2010.
  - (iv) That he was dismissed in breach of contract.
4. All of those complaints were dismissed by the tribunal in its judgment of 27 March 2018
5. On appeal the claimant challenged the following findings of that judgment:
  - (i) The finding that the respondent did not know and could not reasonably be expected to know that the claimant was at a substantial disadvantage in being required to use the stairs at his place of work.
  - (ii) That the tribunal failed to address the claimant's wrongful dismissal claim.
  - (iii) The tribunal's finding that the claimant's dismissal was not by reason of his having made protected disclosures. In that regard the claimant maintained that the respondent's investigating officer (Ms Vuchemtigah) had manipulated the investigation into the claimant's alleged misconduct because of his protected disclosures. Ms Vuchemtigah knew the claimant had made protected disclosures so that her knowledge and motivation could be attributed to the respondent (per Royal Mail Group Limited v Jhuti [2018] ICR 982). The tribunal, said the claimant, had wrongly found that Ms Vuchemtigah was not aware of the claimant's whistleblowing complaints which was contrary to the evidence and further that both the dismissing officer (Mr Sales) and the appeal officer (Mr May) were aware of the claimant's disclosures but the tribunal had wrongly held otherwise.
6. Prior to the hearing of the appeal the respondent made certain concessions.

7. First the respondent accepted that the first ground of appeal was correct. The respondent had accepted that the claimant was disabled (he suffers from severe psoriatic arthritis in both knees, his left wrist and his left foot). It also accepted that it knew or reasonably ought to have known that the claimant would suffer substantial disadvantage if he was required to use the stairs at the respondent's premises. The respondent's case was that the claimant was not required to do so and that the respondent had complied with its duty to make reasonable adjustments as there was a lift available for the claimant's use at all times.
8. Secondly, the respondent accepted that the tribunal had failed to address the claimant's complaint that he was dismissed in breach of contract at all in its findings.
9. Finally, although the third ground of appeal was resisted, the respondent acknowledged that the finding of the tribunal, that Mr May was not aware that the claimant had made a whistleblowing complaint was contrary to the respondent's case and to Mr May's own evidence. The respondent maintained, however, that that did not undermine the tribunal's findings that the claimant's dismissal was not by reason, or by principle reason, of the claimant's protected disclosures.
10. The respondent has accepted that at all times that Ms Vuchemtigah was aware that the claimant had made protected disclosures.
11. Following the hearing before the Employment Appeal Tribunal on 8 February 2019 (judgment handed down on 22 February 2019) the appeal was allowed on all three grounds with the following issues remitted to a fresh employment tribunal for re-hearing:
  - (i) Did the respondent take such steps as were reasonable to avoid the disadvantage? For example, allowing the claimant to work on the ground floor, allowing the claimant to carry out the role of activities co-ordinator and/or allowing the claimant to carry out the laundry.
  - (ii) Did the respondent not know or could the respondent not be reasonably expected to know that the claimant was likely to be placed at the disadvantage set out above?
  - (iii) Was the respondent entitled to terminate the claimant's employment summarily? If not, what compensation, if any is the claimant entitled to?
  - (iv) Was the making of the protected disclosures, namely:
    - (a.) The telephone call made to CQC on 5 July 2016; and
    - (b.) The written statement dated 15 July 2016 and given to Miss Randawara the principle reason for the dismissal?

- (v) As the claimant had less than 2 years continuous employment the burden is on the claimant to show jurisdiction and therefore to prove that the reason, or if more than one, the principle reason, for dismissal was the making of either of the two protected disclosures.

**Background preliminary facts**

12. The following preliminary facts were not in dispute:

- (i) The claimant was employed by the respondent from 3 October 2015 until 8 December 2016 as a domestic support worker.
- (ii) The respondent is care provider which owns and manages the Willows Nursing Home where the claimant worked.
- (iii) The claimant had been originally employed as a domestic worker and later became a support worker.
- (iv) The nursing home is on three floors and there are stairs and a lift allowing access between the ground floor, the first floor and the second floor.
- (v) The claimant stated, and his evidence was not challenged, that unlike other employees he was always required to work on the second floor of the building which required him to move between the second floor and the ground floor regularly. The respondent did not adduce any evidence to contradict this nor to contradict his other assertion that other employees worked on different floors and with different residents on a day by day basis so that they were not always working on the same floor of the building.
- (vi) We accept the claimant's evidence in this regard, it was unchallenged and no documents showing shift allocations for any employees were put before us.
- (vii) The claimant says, however, that this was the case from a very early stage of his employment. He says he overheard a conversation between Miss Chaungwe and Miss King, where Miss Chaungwe said:

“Let’s kill him, send him up to Mrs EO and Barbara, crazy Barbara.”

To which Miss King replied:

“Leave him” and “No, no my husband tells me he is a good man but he’s disabled – make it easy for him.”

- (viii) Although the respondent did not adduce any evidence to contradict this, the claimant was challenged under cross examination. The claimant said that he emerged from behind a door and thus the people involved in that conversation knew that they had been overheard, but when he was asked whether he said anything as a result he said he could not recall because the matter took place 4 years ago.
- (ix) We are unable to accept the claimant's evidence in this regard. Had such a conversation taken place and had the claimant felt that he was being disadvantaged we believe he would have raised the issue either with the people involved in the conversation or with those in a position of managerial authority at the relevant time, and would have escalated the issue if he had not received a satisfactory response.
- (x) The claimant says he was told during his first week of work that he could not use the lift but accepted that the lift was used by domestic staff, other carers and residents. When it was put to the claimant that carers could use the lift or take the stairs as they wished his reply was "He would have thought so", and when it was put to him that a number of carers did use the lift he said "It's up to them. If they are fit enough to leg it up the stairs they could. If I tried to use the lift I got humiliating remarks. [I was] told I couldn't use the lift".
- (xi) We note that at no time did the claimant raise the issue of his being allocated to work solely on the top floor of the building, nor did he request to be located elsewhere or on other duties.
- (xii) The claimant also said that the lift was "barely fit for purpose" and that it sometimes took 5 minutes to come down from the top floor to the bottom floor, the length of time waiting for the lift meant that he could walk more quickly.
- (xiii) At the original tribunal hearing the claimant accepted that he had not raised this issue with any manager nor was it put in any letter or email in which he had asked for adjustments to be made.
- (xiv) The claimant also did not raise this at his performance and development review in April 2016 because he "always thought treatment handed out to me was secondary to the treatment of the residents" adding that both were "disgusting".
- (xv) The claimant was concerned in June 2016 about actions taken by staff members towards a resident (RP). The claimant recorded it in the event log. The resident was apparently badly soiled with faeces having been allowed to dry on the resident. The entry which the claimant made included these words "may be if more senior members of staff delivered the same dignity and compassion towards [RP] maybe he would not end up in such distress". The entry was edited the same day by

Miss Chaungwe to delete the words quoted above. The claimant retained a copy of this log.

- (xvi) On 7 July 2016 there was an incident in the home involving resident E and on 15 July a further incident involving resident RP. Both these incidents were the subject of written statements prepared by a number of individuals and submitted to the then manager, Kishmero Randawara. Miss Randawara resigned her position as home manager without notice on 16 July 2016.
- (xvii) On 21 July 2016 Ms Vuchemtigah and Miss Gooch met the claimant to discuss his request to reduce his working hours. At that meeting the claimant complained about what he considered to be a lack of dignity amongst the carers which he had raised with Ms Randawara to no avail. There was a discussion about issues between the claimant and other employees, and the claimant reported the alleged discussion between Miss Chaungwe and Miss King. The claimant was offered a convened meeting with senior members of staff so that his concerns could be discussed which the claimant said he did not want to have as that would just stir things up. The claimant's request to reduce his working hours to 18 hours per week was agreed and a further discussion was to be held to see how matters could be moved forward. The claimant was also told that matters regarding the claimant had been raised by others but not actioned by Miss Randawara and that if there was a need to convene the meeting to discuss them the claimant would be told.
- (xviii) The claimant had made a telephone call to CQC on 5 July 2016. He had contacted the Care Quality Commission with concerns relating to one of the team leaders working at Willows Nursing Home and about an incident relating to a service user who had been left in distress for over 30 minutes after soiling himself (the incident regarding RP previously set out above). An immediate safeguarding referral was made to the safeguarding team at Bedford Borough Council.
- (xix) On 15 July 2016 the claimant made a written statement which he gave to Miss Randawara regarding an incident that day again involving RP. The statement indicated that again that resident had been left after soiling himself, that Miss Chaungwe (the care co-ordinator) had called the claimant to assist even though other care workers were available and the claimant was on his break, and when he asked Miss Chaungwe for help she refused but offered assistance from another (female) care worker which the claimant rejected because the resident needed to be showered. In his own words he was asked if he was ok and said, "I'm fine and that it was the resident that he was worried about".

- (xx) The respondent has accepted throughout that the telephone call to CQC and the statement which the claimant made about this event were protected disclosures.
- (xxi) On 5 August 2016 the claimant had a further meeting with Ms Vuchemtigah to discuss his concerns and the working relationship with senior members of staff, and what other support the claimant might benefit from. The claimant said that he felt things had improved.
- (xxii) The incident which was the catalyst for disciplinary proceedings culminating in the claimant's dismissal took place on 13 October 2016. There was an altercation in the home involving the claimant and other staff members which was investigated by Miss Gooch with further investigation carried out by Ms Vuchemtigah, as a result of which Ms Vuchemtigah produced a report also dated 13 October 2016 which is obviously not the date of the report. The date the report was actually produced is not known.
- (xxiii) Other members of staff were interviewed, interviews were audio recorded and typed versions were provided albeit there was some delay in the production of them due to the absence through sickness of an administrator.
- (xxiv) According to home manager, Mr Fomonyuy, he was called by the claimant to come to the lounge and when he arrived the claimant was talking with a raised voice to other carers as a result of which Mr Fomonyuy took all the individuals into the nurses' office to try and understand what was happening. The claimant, according to Mr Fomonyuy was unwilling or unable to calm down and was accusing Miss Chaungwe of being "nasty, filthy and disgusting".
- (xxv) According to Miss Chaungwe the claimant had come into the lounge and had been shouting at another carer (Miss Ahmed) in front of a service user and had been aggressive and pointing his finger in close proximity. Miss Chaungwe said the claimant was aggressive pointing his finger at her, that she felt threatened and vulnerable, and that in the meeting with Mr Fomonyuy he was again shouting and pointing his finger at her describing her as nasty and filthy.
- (xxvi) Other individuals were interviewed including the claimant who accepted that he had pointed his finger at and raised his voice towards Miss Chaungwe.

(xxvii) Ms Vuchemtigah's report concluded that the incident could have been avoided if the claimant had assisted his colleague as requested or had gone to the nurses or manager stating why he did not wish to do so. He had not respected the residents or their lounge by confronting his colleagues in the lounge but also that both Miss Chaungwe and Miss Ahmed could have ignored the behaviour but had instead reacted. Ms Vuchemtigah concluded that those two individuals required further training but that the claimant's conduct warranted a disciplinary hearing.

### **The disciplinary process**

13. By letter of 5 December 2016 the claimant was invited to a disciplinary hearing to face allegations that he was guilty of:

(i) Aggressive behaviours towards his colleague (against the company's policy number 05.02); and

(ii) Insubordination towards senior members of staff.

14. The meeting was chaired by Mr Sales. The claimant denied that he had been aggressive and complained about undignified behaviour from other members of staff. Ms Vuchemtigah clarified for the claimant's benefit that the statements from staff say he was pointing his finger at members of staff which the claimant himself admitted in his interview. The insubordination was when the manager asked him to calm down and he continued to "attack" colleagues.

15. Mr Sales asked the claimant to re-assure him that he would not clash with other staff in front of residents in the future, which the claimant could not do.

16. Mr Sales took time to consider the matter. In a letter of 8 December 2016 he confirmed the outcome to the claimant. He said that the claimant had been found guilty of:

(i) Aggressive manner in front of residents; and

(ii) Insubordination to senior members of staff.

As a result of which he was summarily dismissed. He was advised of his right of appeal which he exercised.

17. The appeal was then heard by Mr May on 24 January 2017.

18. At the appeal hearing the claimant complained that:

(i) The investigation of the matter was not carried out properly, in particular complaining that he did not get the minutes of the interviews for a long period of time.



- (ii) He confirmed that when he was dismissed he removed his shoe and sock to show Mr Sales evidence of his disability, although Mr May mentioned that this had nothing to do with the investigation and the subsequent disciplinary hearing which the claimant confirmed that did not have any connection, that he just felt he needed to.
- (iii) The claimant said he felt there were personal and professional grievances towards him and that although he had a disability he was asked to work upstairs. When he was asked if he felt this was discriminatory, he said that he felt he was “the fittest in the home. I walked upstairs even when the lift wasn’t working”.
- (iv) When the claimant was asked if he felt that he had been given harder work than others, he said “he had empathy for people and that the problem was due to professional envy”.
- (v) In relation to the day in question, the claimant said that Miss Chaungwe had been rough with a resident using poor moving and handling techniques, and whilst he accepted that he raised his voice it was not aggressive. He accepted that this happened in front of residents.
- (vi) Mr May was concerned about the fact that the claimant had a copy of the event log which had been amended by another member of staff and was concerned that this was a breach of data protection as records should not leave the home without the resident’s consent.
- (vii) Mr May said that he understood Mr Sales had dismissed the claimant because when he had been asked about this type of incident not occurring again he had not given a sufficient answer (although this was not the stated reason for dismissal in the letter).
- (viii) Mr May concluded the meeting by saying that the allegations the claimant had previously made had been looked into and that he would let the claimant know his decision about the appeal by the end of that week.
- (ix) A letter was sent by Sarah Ferguson group HR director on 26 January 2017 simply saying that the original disciplinary decision was upheld without giving any reasons.

## **The Law**

19. Under s.20 and s.21 of the Equality Act 2010 a duty is imposed on employers to make reasonable adjustments for disabled persons. There are three requirements:

- (i) Where a provision, criteria or practice of the employer puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage;
  - (ii) Where a physical feature puts a disabled person at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to avoid the disadvantage; and
  - (iii) Thirdly, where a disabled person would but for the provision of an auxiliary aid be put at a substantial disadvantage in relation to a relevant matter in comparison with persons who are not disabled, to take such steps as it is reasonable to have to take to provide the aid.
20. A failure to comply with those requirements is a failure to comply with the duty to make reasonable adjustments and a failure to comply with the duty amounts to an act of discrimination.
21. There is no duty to make reasonable adjustments if a person does not know and could not reasonably be expected to know that a disabled person has a disability and is likely to be placed at the disadvantage referred to in the first, second or third requirement.
22. Under s.103A of the Employment Rights Act 1996 an employee who is dismissed shall be regarded for the purpose of the Act as unfairly dismissed if the reason, or if more than one the principle reason, for the dismissal is that the employee made a protected disclosure.

## **Conclusions**

23. The respondent knew or ought to have known that the claimant was likely to be placed at a disadvantage if he was made to climb stairs on a regular basis.
24. In his application for employment the claimant set out that there was a gap in his employment history due to chronic ill health which he was willing to discuss at interview. He said he understood mobility issues as well as long term medication.
25. Further, when he was interviewed the interview notes confirmed that the claimant had “suffered from severe arthritis and he was once in a wheel chair for a long time – he had a carer, that’s when he developed the passion for caring”. He was described as “keen to get back into work” and said he was happy to either work as a support worker or a domestic, and either part time or full time. The interviewer said that they were happy to offer the claimant full time work as a domestic or as a support worker.

26. No further enquiry was made as to the ongoing impact, if any, of the claimant's previous difficulties. However, having suffered from "severe arthritis" that is a condition which does not improve and the respondent failed to enquire, as it should have done, as to whether any reasonable adjustments needed to be made to the claimant's work so that he was not substantially disadvantaged as a result of his disability.
27. Notwithstanding that, however, we were satisfied that the respondent did make reasonable adjustments. We do not accept that the claimant was told that he had to use the stairs at all times. Rather the position was that the claimant, like other members of staff, was able to use the lift if they chose. It may well be that the lift was a slow moving one and that from time to time other members of staff and the claimant chose to use the stairs. It may be that the claimant used the stairs on every occasion but we do not accept that the claimant was told he could not use the lift, as a result of which he suffered substantial disadvantage.
28. We say this because the claimant did not raise the matter at any stage during his employment, only doing so on appeal. Had the claimant been suffering pain and discomfort as a result of what would have been an unreasonable and unfair instruction that he, and he alone (as he suggests) was unable to use the lift on the basis of managerial instruction a complaint would have been made to the home manager or others but it never was.
29. The claimant did not indicate, prior to any disciplinary action being taken against him, complain about the use of the stairs nor raise a complaint about an instruction that he could not use the lift.
30. We do not accept the claimant's evidence in this area.
31. The home had, at all times, a lift in place as an alternative to using the stairs and this was a "reasonable adjustment" to overcome the difficulty which the claimant would have by constant use of the stairs within the meaning of the Equality Act. If the claimant did not use the lift, but rather climbed and descended the stairs, he did so, we conclude and find as a fact that this was his own personal choice and not as a result of any management instruction.
32. We also conclude that the reason for the claimant's dismissal was the aggression which he showed during the incident on 13 October 2016 and his unwillingness or inability to confirm that no similar such incidents would occur in the future.
33. Much of the claimant's complaints about the disciplinary process would be relevant if he had sufficient qualifying service to bring a claim for unfair dismissal but he does not. It is appropriate for us, however, to comment on this in the hope that any future matters can be conducted in a more appropriate manner by the respondent.

34. It is particularly relevant in this area to note that the claimant was charged with a breach of a policy which the respondent has been unable to produce at any stage and which the respondent did not copy to the claimant when he was called to a disciplinary hearing. He was not shown a copy of it nor was any copy made available to him at any stage.
35. Further, the investigation report and some of the witness statements, were not disclosed to the claimant as they should have been.
36. Additionally, the reason for dismissal as set out in the letter was both different to the matter with which the claimant had been charged and – more importantly – different to the reason why the claimant was dismissed. Mr Sales told us that one of the reasons for dismissal was the claimant's unwillingness to confirm that no such incident would happen in the future, but this was not a reason set out in the letter of dismissal. Further, he also told us in cross examination that one of the reasons was the fact that the claimant became aggressive during the disciplinary hearing. That again was not put to the claimant and should have formed – if it was relevant – a separate disciplinary charge.
37. This is even more important when one considers Mr Sales evidence that prior to the disciplinary hearing he was of the view that the matter would warrant a written warning and not justify dismissal, but this changed because the claimant displayed aggression during the disciplinary hearing.
38. Although the claimant says Ms Vuchemtigah manipulated the disciplinary investigation there was no clear evidence of this which we could find. The investigation was, however, somewhat flawed. Witness statements were not signed, the investigation report was not shown to the claimant and some of the witness statements were not disclosed to the claimant either. The claimant of course could not know that other witness statements had been obtained because he did not see the investigation report which referred to them.
39. However, we are not satisfied and the claimant has not proved on the balance of probabilities, that Ms Vuchemtigah acted as she did as a result of the claimant having made protected disclosures. Although she was aware that the claimant had made protected disclosures it was not put to her that this motivated her conduct of the disciplinary investigation.
40. There was disparity of treatment between the others involved in the altercation on 13 October 2016 (two other individuals who were given additional training) and the claimant. However, we can find no evidence to support the suggestion (if it was made which is far from clear) that the reason why there was a disparity of treatment was due to the claimant having made protected disclosures. Ms Vuchemtigah took the view that the other individuals concerned had used poor manual handling techniques and further training was required, further that they had reacted to the claimant's aggression in a way which they should not have done and thus further training was also appropriate.

41. Ms Vuchemtigah took the view that the claimant was the aggressor and the instigator of the incident which took place at least in part in front of residents. She was entitled in those circumstances to take the view that the claimant's conduct warranted disciplinary action. She did not make any decision as to what the outcome should be.
42. Mr Sales was adamant in his evidence, and we accept it, that he was not aware that the claimant was a whistle-blower, but in any event, we are satisfied that the reasons he gave us as being the reasons for the claimant's dismissal were the true ones. He considered the claimant's conduct on 13 October 2016 to justify some disciplinary action, but he took this decision to dismiss the claimant because of his lack of clarity when asked whether he could be sure that a similar incident would not happen again and what Mr Sales himself considered to be aggression during the course of the disciplinary hearing.
43. We accept that evidence. Those were the reasons, we find, for the claimant's dismissal.
44. Mr May who conducted the appeal was aware that the claimant was a whistle-blower but his appeal outcome (albeit not expressed in writing as part of the conclusion of the appeal as it should have been) was that the claimant's dismissal was justified for the same reasons as Mr Sales concluded. He did not conduct a re-hearing on appeal, he essentially sought to check whether or not Mr Sales' decision was appropriate.
45. Although Mr May had further discussions with both Mr Sales and Ms Vuchemtigah after the appeal hearing (and we find, before it) he was told by Mr Sales that the decision to dismiss came about as a result of the aggressive nature of the claimant during the disciplinary hearing and the fact that he was not satisfied that this would not be displayed again putting staff and residents at the home at risk.
46. Mr May considered that it was hard to find the real reason why the claimant felt so aggrieved. He described the claimant as personable and friendly but not focussed on the issues surrounding his dismissal.
47. Mr May was concerned that there was a lack of remorse from the claimant for his conduct on 13 October 2016 despite giving him several opportunities to comment upon it and did not appreciate what Mr May considered to be the consequences of his actions. Mr May was concerned that the claimant could repeat his actions in the future but would also continue to be insubordinate and was concerned about protecting the residents and staff of the home. He said that if the claimant had been remorseful and had re-assured him that he would not act in such a manner in future he would have been more inclined to reduce the disciplinary sanction to a warning.
48. We accept that evidence and we are satisfied that although Mr May knew that the claimant was a whistle-blower he did not factor that into his thinking at all. The reasons why the appeal was not upheld are those set out in Mr May's evidence which we accept.

49. The respondent accepted at the conclusion of the hearing that the claimant's dismissal was in breach of contract in the light of the evidence given by in particular Mr Sales but also Mr May. There was no justification for summary dismissal in relation to matters with which the claimant was charged. He was dismissed, rather than warned, because of his conduct at the disciplinary hearing and that, the respondent accepted, was a different matter.
50. Accordingly, by consent, the claimant's complaint that he was dismissed in breach of contract succeeds.

### Summary

51. The respondent knew or ought to know that if it did not make reasonable adjustments the claimant would suffer a disadvantage by climbing or descending stairs on a regular basis during the course of his employment.
52. The respondent had, however, made reasonable adjustments by the provision of a lift. The claimant was, contrary to his evidence, entitled to use the lift at all times but chose not to.
53. The claimant has not established that the reason, or if more than one the principle reason, for his dismissal was his having made protected disclosures. Indeed, the respondent has established the reasons for dismissal as set out above and they are not as a result of the claimant making protected disclosures.
54. The claimant was dismissed in breach of contract and he is entitled to his contractual damages (one week's nett pay) which will be determined at further hearing if the parties cannot agree the sum due.
55. Accordingly, save and except for the claimant's breach of contract claim, his complaints are dismissed.

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Employment Judge Ord

Date: 24 October 2019

Sent to the parties on: 1 November 2019

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For the Tribunal Office