

B E T W E E N:

MR DANIEL BRIGHAM

Claimant

-and-

DX NETWORKING SERVICES LTD

Respondent

Annex to Case Management Order of 29 June 2020

Detriment claims brought under S44(1)(c)(i) and or S47B ERA**The disclosure or the health and safety concern.**

The claimant will say that from the beginning of 2018 when he was diagnosed with asthma, he regularly and frequently raised complaints about dust in the warehouse. He will say that they were raised with Mr Senior Mr Brooks Mr Collins Mr Stephenson, all managers with whom the claimant had contact in the course of his work. The claimant will say that the warehouse, which was always dusty was particularly so following the depositing of silt in the warehouse as the aftermath of a flood in 2017 and the claimant will say that he complained about the dust in the atmosphere causing breathing difficulties for him but also for his colleagues. He will also say that he complained that the lack of extractor fans meant that sweeping up the dust simply had the effect of adding it the dust in the air.

In addition to these regular verbal complaints there were written complaints details of which will be supplied.

The claimant also relies upon his grievances in the summer of 2019.

The claimant relies on the following detriments:

- a) Between 2018 and October 2019 Andrew Senior, Richard Brooks and Eddie Collins dismissing the Claimant's concerns about the dust and telling him to stop moaning and that he had worked there for years and that he was alright.
- b) Between 2018 and October 2019 Claimant asking same managers if they would carry out investigations into the dust and management ignoring the Claimants requests by failing to get back to him, fobbing him off and failing to take any meaningful steps to investigate the Claimants concerns.
- c) 2018 onwards Eddie Collins and Mark Stephenson and Mark Sparks Falsely telling the Claimant that there had been an inspection of a roof at the workplace and that it did not contain asbestos and had been passed as safe and a certificate issued.

- d) Mr Stephenson under the direction of management sending the Claimant's wife instead of direct to him on the 22/04/2019 reminding the Claimant that he was due back to work the next day. Breaching the Claimants confidentiality and making him feel humiliated.
- e) On or around the 24/04/2019 Mr Stephenson approaching the Claimant in front of colleagues on the 24/04/2019 and telling him that if he did not get finished by the morning that he and his colleagues would be out of a job.
- f) On or around April 2019 Richard Brookes ignoring the Claimants written grievance and request for masks filters and dust extractors and measures that would protect himself and his colleagues from the dust. The Claimant also asked that the dangerous driving issue be addressed
- g) On or around April 2019 Mr Stephenson sending the Claimant a text whilst he was off sick from dust inhalation that if he did not come to work he would be dismissed.
- h) From Around March 2019 onwards Mr Matthew Sparks failing to investigate or do anything about the threat from Mr Stephenson despite the Claimant telling Mr Sparks that Mr Stephenson had it in for him because he had reported concerns about the dust on behalf of himself and his colleagues.
- i) Between July -August 2019 Mr Eddie Collins humiliating the Claimant telling the Claimants colleagues that when he came back from sickness absence he would be getting a disciplinary and that he had taken unauthorised leave when the Claimant had been on booked holiday.
- j) Failing to send the Claimant to Occupational Health after July 2019 despite the fact that he was off sick and advising that he had had problems breathing and that he was unable to work in the warehouse because of the dust and would have to get sick notes because he could not come in due to the dust.
- k) Suggesting that the Claimant use up his holidays because he was unable to attend work due to the dust.
- l) On or around the 10th September 2019 Eddie Collins mocking the Claimant to his colleagues saying be careful with that dust boys we had health and safety in yesterday and trying to intimidate the Claimant by telling his colleagues including Andy that he and management knew who reported it.
- m) On or around 16/09/2019 Mark Stephenson Night shift Manager threatening the Claimant by letter with attendance management when he was unable to attend work due to the effects of the dust and telling him that if he didn't come in he would have points added to his record. There Claimant was not offered alternative duties referral to Occupational Health and no concern or mention of his condition or welfare was made in the letter.
- n) Failure to pay the Claimant sick pay when he was off work with asthma and effects of dust inhalation.
- o) On or around the 22nd September 2019 Eddie Collins mocking the Claimant by making false and exaggerated coughing noises to embarrass the Claimant.
- p) Failure to take any steps to assist the Claimant following his failed return to work on the 22nd September 2019 and failure thereafter to enquire after his welfare when he went off sick again.
- q) Mr Sparks telling the Claimant that he had failed his probationary period despite the fact that he had been employed since 2015 with the company.

- r) On or around September 201 Mr Collins talking with Colleagues of the Claimant whilst he was off sick and slagging him off making out he was a trouble maker and telling people that management had given him the authority to get rid of him.
- s) Failure to investigate and or deal with the Claimants written grievance of the 18th October 2019 including failure to refer to Occupational health and carry out a risk assessment and or send for the Claimants medical reports and GP notes and failure to look for and or provide the Claimant with alternative duties when the Claimant had advised that he was coughing up blood and had breathing difficulties.
- t) Mr Stephens commenting to the Claimants colleagues he was going to get rid of the claimant and telling the same colleagues that management viewed the Claimant as a trouble maker and if he was going to push it with the dust they were going to get rid of him.
- u) Telling the Claimant to stay at home without pay rather than medically suspend and or investigate the dust issue and or look at PPE and a failure to support the Claimant generally and failing to offer the Claimant suitable alternative duties.
- v) Kiran Sykes under the direction of Richard Brooks and Management Failing to investigate or look at why the Claimant had resigned including failing to look at alternative duties and or any measures to avoid the Claimant having to leave employment.
- w) On or around the 21st November 2019 Mark Stephenson telling the Claimants colleagues that the Claimant had stolen scanners from work knowing that this statement was untrue.