



EMPLOYMENT TRIBUNALS

Claimant

Respondent

Mr S Ward

v

Federal Mogul Coventry Limited

Heard at: Birmingham

On: 28 August 2020

Before: Employment Judge Johnson

Members: Mrs K Davis
Mr R White

Appearances

For the Claimant: Miss Stanley (counsel)

For the Respondent: Mr Forrest (HR Adviser)

JUDGMENT

1. The claimant was continuously employed by the respondent for a period of not less than two years ending with the effective date of termination and his complaint of unfair dismissal is accepted by the Tribunal.
2. The claimant's complaint of unfair dismissal succeeds as the respondent's assertion that he was dismissed for the fair reason of some other substantial reason is not well founded. However, in accordance with 'Polkey' principles, the Tribunal finds that had the respondent subjected the claimant to a fair process at the material time, he would have been fairly dismissed by 14 August 2020. The assessment of remedy must therefore take into account this decision when determining what award should be made.
3. The claimant was disabled within the meaning of section 6(1) of the Equality Act 2010 by reason of his angina.
4. The claimant's complaint of direct discrimination by reason of his disability in accordance with section 13 of the Equality Act 2010 is unsuccessful in that the claimant was not dismissed by reason of his disability and this complaint is dismissed.
5. The claimant's complaint of discrimination arising from a disability in accordance with section 15 of the Equality Act 2010 is unsuccessful in that

the claimant was not dismissed by reason of his sickness absence arising from his disability and this complaint is dismissed

6. The case will now proceed to a Remedy hearing (in respect of the successful complaint of unfair dismissal), before a full Tribunal at the Birmingham Employment Tribunals on Wednesday 14 October 2020 with a hearing length of 1 day.
7. The claimant and the respondent (the latter if so advised), will provide each other with witness statements by no later than 16 September 2020.
8. The claimant's solicitors will provide the respondent and the Tribunal with a remedy bundle (if required) and if so, will provide 4 copies of the bundle to the Tribunal by no later than the working day immediately preceding the remedy hearing. For the avoidance of doubt, the Tribunal will retain the bundles already provided by the parties for the hearing of liability and the parties are not required to produce these documents in a new remedy bundle.

Employment Judge Johnson
28 August 2020

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.