



EMPLOYMENT TRIBUNALS

Claimant Mr M. Rushmer-Risby
Respondents (1) Whitbread Group plc
(2) Mr Steve Adams

Heard at: Watford (by CVP) **On:** 28 January 2021

Before: Employment Judge McNeill QC

Appearances:

For the Claimant: In person
For the Respondents: Mr P. Bownes, Solicitor

Judgment – Open Preliminary Hearing

1. On the Claimant confirming that he has brought two virtually identical claims against the Respondents (3327999/2019 and 3301757/2020) and that the second claim (3301757/2020) was brought in order to rectify an omission to include his dates of employment in his first claim form (3327999/2019); and

On the Respondents confirming that they take no issue with the validity of the Claimant's first claim; that the dates of the Claimant's employment are agreed to be 1 June 2010 to 14 October 2019; and that no amendment of the claim is required to include those dates in the claim form in case no. 3327999/19:

The Claimant's claim no. 3301757/2020 is dismissed on withdrawal by the Claimant.

2. On the Claimant acknowledging that the Tribunal has no jurisdiction to hear his claim for unfair (constructive) dismissal against the Second Respondent, as the Second Respondent was not his employer; and
On the First Respondent confirming that it would be liable for any finding of disability discrimination made against the Second Respondent in the proceedings and that it does not rely on any defence under s109 of the Equality Act 2010:

The Claimant's claims against the Second Respondent for unfair (constructive dismissal) and disability discrimination are dismissed on withdrawal by the Claimant.

3. On hearing evidence from the Claimant and on reading two reports from his GP dated 30 December 2020 and 13 January 2021 and having heard the submissions of the parties, the Tribunal decided that:

The Claimant was at all times material to his claim a disabled person within the meaning of s6 of the Equality Act 2010.

4. Case management orders for the further progress of the Claimant's claims against the Respondent are provided in the Case Management Summary and Orders of today's date.

Employment Judge McNeill QC

Date: 28 January 2021

Judgment sent to the parties on
15 February 2021

For the Tribunal office

Notes

Reasons for the judgment having been given orally at the hearing, written reasons will not be provided unless a written request is presented by either party within 14 days of the sending of this written record of the decision.

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